



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

A 441573

SEPTEMBER, 1876.]

Recent Publications.

The

En
to
Le
M.
Law
Mr.

The

By

Manu

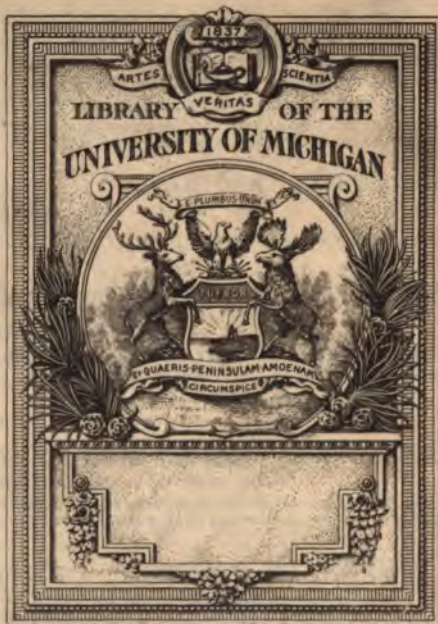
Co
Re
La
Echo

The

By
School B
rect,
such

The

W
Ba
Gu
ed
and
new powers and duties.



ment.

g Powers
al of the
X. GLEN,
this one by

and

s-at-Law.
7s. 6d.
micipal.

and The
arrister-at-
3s. 6d.

n :
7s. 6d.
always cor-
to produce

EN, Junr.,
Boards of
r. Owen's
t Officers
e of their
Price 2s. 6d.

The Poor Law Amendment Act, 1876 :

With an Introduction, Notes, Index, and Appendix. By EDMUND LUMLEY, B.A., Barrister-at-Law. This Statute, in addition to its provisions relating to the dissolution and re-arrangement of Unions, contains about 40 sections dealing with a variety of subjects, to which the annotations supply useful explanations and suggestions. Price 2s.

The Law as to the Pollution of Rivers :

Containing The River Pollution Prevention Act, 1876, &c. By ALEXANDER BARRISTER-AT-LAW. [In the Press.]

L and Co.

L B2 581
1876

The Licensing Laws :

Containing the Licensing Acts arranged so as to form one comprehensive Statute, with copious explanatory notes ; together with an Introduction, giving a full description of the Licensing system, and an Appendix of Statutes ; the whole forming a complete Handbook. By GEORGE C. WHITELEY, M.A., Barrister-at-Law. Price 5s.

Standard.—"This is a perfect and exhaustive treatise on the whole of the Licensing Laws."

The Law relating to Vaccination. Sixth Edition :

Comprising the Vaccination Acts, the Instructional Circulars, Orders, and Regulations issued by Authority. With Introduction, Notes, and Index. By DANBY P. FRY, Barrister-at-Law, and Assistant-Secretary to the Local Government Board. Price 3s.

The Law.—"Of great practical utility ; a reliable guide, brought down to the present time, and the most recent decisions carefully noted."

The Lunacy Acts :

Containing all the Statutes relating to Private Lunatics, Pauper Lunatics, Criminal Lunatics, Public and Private Asylums, and the Commissioners in Lunacy. With an Introductory Commentary ; Notes to the Statutes, including References to Decided Cases ; and Index. By DANBY P. FRY, Barrister-at-Law. Price 15s.

Law Times.—"Collects all the Law on the subject, arranged so that any part of it may be readily found. . . . Accomplished with care and industry."

The Law relating to the Registration of Births, Deaths, and Marriages. Second Edition :

It contains all the Statutes relating to the registration of Births, Deaths, and Marriages ; Non-Parochial Registers ; the duties of Registration Officers ; and the Marriage of Dissenters in England. To these are added the whole of the Statutes which cast any collateral duty upon Registration Officers, together with the legal decisions upon each Statute. A very full Index completes the Work. By W. CUNNINGHAM GLEN, and ALEX. GLEN, M.A., LL.B., Barristers-at-Law. Price 5s.

The Law.—"No amount of trouble seems to have been spared to render the book complete. . . . Nothing can be better done to clear the subject than is done by the present work."

The Churchwarden's Guide. Ninth Edition :

This work is not only a Guide to Churchwardens, but forms also a complete Legal Text Book, with Tables of Statutes and Cases brought down to the present time, and including the Public Worship Regulation Act, &c. Edited by W. G. BROOKE, M.A., Barrister-at-Law.

Price 4s. 6d.

Law Times.—"An invaluable, and, we believe, trustworthy Guide . . . It states the law with accuracy and clearness."

Glen's Highway Acts. Fourth Edition :

By ALEX. GLEN, M.A., LL.B., Barrister-at-Law.

Price 4s.

Practical Magazine.—"Should be in the hands of every solicitor. Is an exposition of the powers and duties of those who have the management of Highways."

The Union Assessment Acts. Fifth Edition :

Containing the Statutes, with Introduction, Notes, Circulars of the Poor Law Board, Digest of Decided Cases, and Index. By DANBY P. FRY, Barrister-at-Law, and Assistant Secretary to the Local Government Board.

Price 6s.

London : Knight and Co.

BOOKS & FORMS

UNDER THE

Elementary Education Act, 1876.



KNIGHT & CO. have in preparation the various Books and Forms required for carrying out the provisions of this Act.

A List will shortly be ready and may be had free.

THE ELEMENTARY EDUCATION ACT, 1876.



30696

THE
ELEMENTARY EDUCATION ACT,
1876.

(39 AND 40 VICT., C. 79.)

WITH INTRODUCTION, NOTES, AND INDEX.

By HUGH OWEN, JUN.,
OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW,
AUTHOR OF "THE EDUCATION ACTS MANUAL" (ELEVENTH EDITION), "THE SCHOOL BOARD
ELECTION MANUAL," ETC.

Gt. Brit. Laws, statutes, etc., 1837-1901
(Victoria)

AND
AN APPENDIX

CONTAINING PROVISIONS OF FACTORY ACTS, AS TO SCHOOL ATTENDANCE,
REGULATIONS OF EDUCATION DEPARTMENT,
AND SPECIMEN BYELAWS.

London:
KNIGHT & CO., 90, FLEET STREET.
1876.

Hazell, Watson, and Viney, Printers, London and Aylesbury.

INTRODUCTION.

THE ELEMENTARY EDUCATION ACT, 1876, except as expressly provided, comes into operation on the 1st of January, 1877, and the following statement gives a résumé of its provisions:—

LOCAL AUTHORITIES.

The local authorities for the purposes of the Act will be the School Boards in districts for which School Boards have been elected, and in other districts School Attendance Committees.

In a borough not under the jurisdiction of a School Board the School Attendance Committee will be elected by the council of the borough, and in a parish not included in a School Board district or a borough, the committee will be elected by the guardians of the union in which the parish is comprised.

These committees will be appointed annually, and are to consist of not less than six nor more than twelve members of the council or board of guardians by which the committee are appointed. In the case, however, of a committee appointed by guardians, it is required that one-third at least of the members shall, when the circumstances admit of it, be ex-officio guardians (sec. 7).

To these rules as to the School Attendance Committees there are two exceptions applying to urban sanitary districts which are not and do not comprise boroughs.

In the case of any such urban sanitary district, which is co-extensive with any parish or parishes not within the jurisdiction of a School Board, and which contains a population according to the last census of not less than 5,000 persons, the Education Department, on the application of the sanitary

authority of the district, may empower such authority to appoint a School Attendance Committee in like manner as if they were a council of a borough, and a committee so appointed by the sanitary authority will be the local authority for the purposes of the Act, to the exclusion of the School Attendance Committee appointed by the guardians.

The second exception refers to the case of an urban sanitary district which is not and does not comprise a borough, and which is not wholly within the jurisdiction of a School Board, and does not satisfy the conditions necessary to enable the sanitary authority under the foregoing provision to appoint a separate School Attendance Committee for the district. In such cases the sanitary authority may appoint such number of members of the authority, not exceeding three, as the Education Department may allow, to be members of the School Attendance Committee for the union in which the district or the part of the district, which is not within the jurisdiction of a School Board, is situate; and the members thus appointed by the sanitary authority will be entitled to continue in office so long as they are members of the sanitary authority, and their appointment is not revoked by that authority, and to act in like manner as if they were appointed by the guardians (sec. 33).

The council or guardians, subject to the limitation of the number of members prescribed by the Act, will be empowered from time to time to add to or diminish the number of members of a School Attendance Committee appointed by them.

A School Attendance Committee appointed by guardians will act for every parish in the union which is not for the time being under any other "local authority" within the meaning of the Act (sec. 32).

APPOINTMENT OF LOCAL COMMITTEES BY SCHOOL ATTENDANCE COMMITTEES.

With the view of enabling the School Attendance Committees to obtain aid and information in the execution of the Act, these committees are to be empowered, if they think fit, to appoint "local committees" for different parishes or other areas in their district. A local committee may

consist of not less than three persons, either wholly members of the council, board of guardians, or authority by whom the committee are appointed, or partly of such members and partly of other persons (sec. 32).

APPOINTMENT OF OFFICERS.

The local authority are to direct one or more of their officers, or the officers of the council or the guardians by whom the committee were appointed, to act in the execution of the Act and of any byelaws in force within the jurisdiction of the authority, and they may, if they think fit, pay him or them for so doing, or they may, when necessary, appoint and pay officers for the purpose. When, however, the local authority are a School Attendance Committee appointed by the council of a borough, they are not to appoint, employ, or pay an officer without the consent of the council, and when the committee are appointed by the guardians, not only the consent of the guardians, but also that of the Local Government Board, is to be obtained to any such appointment or payment (secs. 28, 31).

In the case of a School Attendance Committee appointed by guardians, the clerk to the guardians is to act as the clerk to the committee (sec. 34).

ATTENDANCE AT SCHOOL.

The statute declares that it shall be the duty of the parent of every child to cause such child to receive efficient elementary instruction in reading, writing, and arithmetic, and the Act contemplates that the attendance of children at school should be secured by direct or indirect compulsion. On the local authorities constituted by the Act will devolve the enforcement of the provisions for this purpose. The direct compulsion will be by byelaws and school attendance orders.

Direct Compulsion.—Byelaws.

With regard to byelaws, it will be remembered that by the Education Act, 1870, School Boards were empowered, with the approval of the Education Department, to make

byelaws for all or any of the following purposes: (1) Requiring the parents of children of such age, not less than five years, nor more than thirteen years, as may be fixed by the byelaws (unless there is some reasonable excuse) to attend school; (2) determining the time during which children are so to attend school, provided that no such byelaw shall prevent the withdrawal of any child from any religious observance or instruction in religious subjects, or shall require any child to attend school on any day exclusively set apart for religious observance by the religious body to which his parent belongs, or shall be contrary to anything contained in any act for regulating the education of children employed in labour; and (3) imposing penalties for the breach of any byelaws subject to the condition that no penalty for the breach of a byelaw with the costs shall exceed such amount as with the costs will amount to five shillings.

There is a further proviso that a byelaw requiring a child between ten and thirteen years of age to attend school shall provide for the total or partial exemption of such child from the obligation to attend school, if one of Her Majesty's inspectors certifies that the child has reached a standard of education specified in the byelaw. For the purposes of the Act the following reasons are to be deemed a "reasonable excuse" for the non-attendance of a child at school: (1) That the child is under efficient instruction in some other manner. (2) That the child has been prevented from attending school by sickness or any unavoidable cause. (3) That there is no public elementary school open which the child can attend within such distance, not exceeding three miles, measured according to the nearest road from the residence of the child, as the byelaws may prescribe.

Byelaws made by a School Board under this Act are to be sanctioned by an order in council, and when thus sanctioned they come into operation and have effect as if they were statutory enactments.

The power of making byelaws for enforcing the attendance of children at school was limited by the Act referred to to School Boards, but by the present Act the necessary authority for this purpose is given, subject to certain con-

ditions, to the School Attendance Committees in districts not within the jurisdiction of School Boards.

When the School Attendance Committee are appointed by the council of a borough or the sanitary authority of an urban sanitary district, the committee may make byelaws for the attendance of children at school in like manner as a School Board, "if they think fit," and it is therefore optional with them whether or not they will do so.

In the case of a parish under the jurisdiction of a School Attendance Committee appointed by the guardians, the ratepayers may, by a resolution passed in the same manner and subject to the same regulations as a resolution for an application to the Education Department for a School Board, request the School Attendance Committee to make byelaws as to school attendance, and on such requisition it will be the duty of the committee to make byelaws accordingly. The ratepayers of the parish may also by a similar resolution specify the nature of the byelaws which are desired by them, and in that case the School Attendance Committee and the Education Department, in making and approving the byelaws, are to consider and have due regard to such representations. In the absence of a requisition from the ratepayers, the School Attendance Committee will have no authority to make byelaws, although they may be satisfied that it is desirable that byelaws should be made (sec. 21—23).

It will be observed that School Boards and School Attendance Committees alone will be empowered to make byelaws, and that consequently a local committee appointed by a School Attendance Committee will have no authority in the matter.

When byelaws have been made, it will be the duty of the School Board or School Attendance Committee, as the case may be, to enforce them. No legal proceedings for non-attendance or irregular attendance at school are, however, to be commenced by a person appointed to carry out the byelaws, except by the direction of not less than two members of the School Board or School Attendance Committee (secs. 23, 38).

The byelaws which are made previously to the date when the Act comes into operation, or subsequently, if otherwise

valid, will not be rendered invalid by reason of their being more stringent than the provisions of this Act; and when any act, neglect, or default is punishable under this Act, and also under a byelaw for the time being in force, the proceedings may be instituted either under the Act or the byelaw, so that proceedings be instituted under one enactment or byelaw only in respect of the same offence (sec. 50).

When byelaws made by a School Attendance Committee have been approved by the Education Department, and confirmed by an order in council, they will continue in force even if a School Board be appointed, except so far as they may subsequently be revoked or altered (secs. 33, 36). The same rule will apply in cases where the School Attendance Committee appointed by the guardians have made byelaws for a parish, and a School Attendance Committee are subsequently appointed for the parish by an urban sanitary authority (sec. 33).

Direct Compulsion.—School Attendance Orders.

In any case in which the parent of a child between the ages of five and fourteen years, who under this Act is prohibited from being taken into full time employment (see p. xiv.), habitually and without "reasonable excuse" neglects to provide efficient elementary education for the child, and in any case in which a child within the limits of the age referred to is found habitually wandering, or not under proper control, or in the company of rogues, vagabonds, disorderly persons, or reputed criminals, it will be the duty of the local authority, *i.e.*, the School Board or the School Attendance Committee, as the case may be, after due warning to the parent, to complain to a Court of Summary Jurisdiction. The court, if satisfied of the truth of the complaint, will be empowered to make an order termed an "attendance order," requiring that the child shall attend such "certified efficient school" willing to receive him as the parent may select, and in the event of the parent not making a selection, such public elementary school as the court may think expedient. The school which the child is to attend is to be named in the order, and the child is to attend such school every time that it is open, or in such other regular manner as the order may specify.

It will be observed that the court may direct that the child shall attend some "certified efficient school." This term includes not only a public elementary school, but any elementary school which is not conducted for private profit, provided the following conditions are fulfilled: (1) That it is open at all reasonable times to the inspection of Her Majesty's Inspector of Schools; (2) that like attendance as in a public elementary school is required of the scholars; (3) that such registers of attendance as are from time to time prescribed by the Education Department are duly kept; and (4) that it is certified by the Education Department to be an efficient school.

For the purpose of this section the following reasons are to be deemed a "reasonable excuse:" (1) That there is not within two miles, measured according to the nearest road, from the residence of the child any public elementary school open which the child can attend, or (2) that the absence of the child from school has been caused by sickness or any unavoidable cause (sec. 11).

When an attendance order is not complied with, and there is no "reasonable excuse" for the non-attendance of the child at school, the local authority may make complaint to a Court of Summary Jurisdiction. In a first case of non-compliance, if the parent fails to satisfy the court that he has used all reasonable efforts to ensure the child's attendance at school in accordance with the order, a penalty may be imposed, but the penalty, with the costs, is not to exceed five shillings. If, however, the parent satisfies the court that all reasonable efforts have been made by him to enforce compliance with the order, the court may, without inflicting a penalty, order the child to be sent to a "certified day industrial school" (see p. xviii.), or if it appears that there is no such school suitable for the child, then to a certified industrial school.

In the second or any subsequent case of non-compliance with an attendance order, the court may order the child to be sent to a certified day industrial school, or, where there is no suitable school of that character, to a certified industrial school, and, in addition, impose a penalty on the parent, subject to the limit as to amount above referred to; or if

they think fit they may for each case of non-compliance inflict this penalty without ordering the child to be sent to an industrial school.

A complaint under this section with respect to a continuing non-compliance with an attendance order is not, however, to be repeated by the local authority at any less interval than two weeks.

Children sent to certified industrial schools or certified day industrial schools under this enactment are to be sent in like manner as if they were sent under the Industrial Schools Acts, and they are to be deemed to be sent in pursuance of those Acts.

The parent of a child sent to an industrial school or certified day industrial school will, therefore, be liable to contribute to the cost of the maintenance and training of the child, as in cases under the Industrial Schools Acts (sec. 12). With regard to other provisions as to the contributions of parents, see p. xix.

Indirect compulsion as regards attendance at school is proposed to be secured by imposing restrictions on the employment of children, except when they have attained a certain standard of proficiency in reading, writing, and arithmetic, or have obtained a certificate of previous due attendance at school, and also by making the attendance at school of the children of paupers a condition of relief being given out of the workhouse.

Indirect compulsion.—Restrictions of employment of children.

Between the 1st January and 31st December, 1877, no person is to take into his employment any child who is under the age of nine years, or any child between the ages of nine and fourteen years, who has not obtained a certificate as prescribed by the Act of proficiency in reading, writing, and elementary arithmetic, or of previous due attendance at a certified efficient school (see schedule 1), unless the child is employed and is attending school in accordance with the provisions of the Factory Acts, or of a byelaw of a School Board or School Attendance Committee.

After the 1st January, 1878, this restriction as to the em-

ployment of children will be modified, and no person is to take into his employment a child under the age of ten years, or any child between the ages of ten and fourteen years, who has not obtained a certificate of proficiency or of due attendance at a public elementary school, as above referred to, unless the child is employed and attending school in accordance with the Factory Acts or of a byelaw (sec. 5).

These provisions do not, however, apply to any child who has attained the age of eleven years before the 1st January, 1877, and a child lawfully employed at the date of the passing of the Act (15th August, 1876) may continue to be employed, or may obtain fresh employment at another place in the same manner as if the Act had not passed (sec. 51).

There are certain other exceptions to the provisions above referred to. A person is not to be deemed to have taken a child into employment within the meaning of the Act if it is proved, (1) that during the employment there is not within two miles, measured according to the nearest road from the residence of the child, any public elementary school open which the child can attend; (2) that the employment, by reason of being during the school holidays, or during hours when the school is not open or otherwise, does not interfere with the efficient elementary instruction of the child, and that the child obtains such instruction by regular attendance for full time at a certified efficient school, or in some other equally efficient manner; (3) that the employment is exempted by a notice of the School Board or School Attendance Committee, as the case may be. The exemption by the local authority thus provided for may apply to the employment of children above the age of eight years for the necessary operations of husbandry and the ingathering of crops for a certain period to be specified in the notice. The period or periods so named by the local authority are not to exceed, in the whole, six weeks between the 1st of January and the 31st of December in any year. Copies of any notices under this provision are to be sent to the Education Department, and to the overseers of each parish within the jurisdiction of the local authority, and the overseers are to cause copies to be affixed on the church and chapel doors (see. 9).

The employment of a child by his parent will be an "employment" within the terms of the Act if the employment is in any labour exercised by way of trade or for the purposes of gain (sec. 47).

If there is reasonable cause to believe that a child is employed in any place in contravention of the Act, a justice of the peace may make an order empowering an officer of the local authority to enter the place at any reasonable time within forty-eight hours and examine the place and any person found therein, as to the employment of any child there. A person refusing admission to the officer, or obstructing him in the discharge of his duty, will for each offence be liable to a penalty not exceeding £20 (sec. 29).

A person who takes a child into his employment in contravention of the Act will be liable to a penalty not exceeding 40s. (sec. 6).

If the offence is committed by an agent or workman of an employer, he will be liable to a penalty as if he were the employer.

If a child is taken into employment in contravention of the Act, on the production by the parent of a false or forged certificate, or on a false representation by the parent that the child is of an age at which he could be lawfully employed, the parent will be liable to a penalty not exceeding 40s.

If an employer charged with taking a child into his employment in contravention of the Act proves that he has used due diligence to enforce the observance of its provisions, and either that the child has been employed without his knowledge or consent by some agent or workman, or that the child has been employed on the production of a false or forged certificate, or on a false representation by the parent as to the age of the child, under the belief, in good faith, in the genuineness and truth of the certificate or representation, the employer will be exempt from the penalty.

In the case of an employer satisfying the local authority, inspector, or other person about to institute a prosecution that he is exempt under this section, and gives all facilities in his power for proceeding against the guilty person, the proceedings are to be instituted against such person and not against the employer (sec. 39).

Certain provisions of the Factory Acts, 1844 and 1874, are made applicable to the employment and education of all children employed in factories subject to the Factory Acts, 1833 to 1871, and not subject to the Factory Act, 1874, and in workshops subject to the Workshop Acts, 1867 to 1871, with the exception that sec. 12 of the Factory Act, 1874, is not to apply to a child so employed, who on the 1st of January, 1877, has attained the age of eleven years (sec. 8).

The provisions of the Act as to the employment of children are to be enforced by the School Boards and School Attendance Committees, except as regards children employed in factories, workshops, and mines. In these cases the duty will devolve on the inspectors and sub-inspectors appointed by the Secretary of State, but the local authorities are to assist them by information or otherwise (sec. 7).

Nothing in this Act is to prejudice the effect of any provision relating to the employment of children contained in any previous statute which may be more stringent in its provisions (sec. 50).

Indirect Compulsion.—Attendance of children at school a condition of out-door relief.

The Education Act of 1873 contained a provision which in certain cases rendered the attendance of children at school a necessary condition of relief out of the workhouse being granted by the guardians. The enactment in that statute is repealed, and a new clause (sec. 40) is introduced, with the view of adapting the section to the provisions of this Act. Where relief out of the workhouse is given by the guardians or their order, by way of weekly or other continuing allowance to the parent of a child, between the ages of five and fourteen years, or to any such child, it will be a condition for the continuance of the relief that elementary education in reading, writing, and arithmetic shall be provided for the child, unless the child has reached the standard in reading, writing, and arithmetic prescribed by Standard Three of the Code of 1876, or can under this Act be taken into full time employment, or by the byelaws in force in the district is exempted from attending school. The guardians are to give such further relief (if any) as may be necessary

to enable a child to attend school in pursuance of this section; but it is not to be a condition of the relief that the child shall attend any public elementary school other than that which is selected by the parent, nor is the relief to be refused because the child attends or does not attend any particular public elementary school. The guardians are not, however, to give any relief to a parent in order to enable him to pay more than the ordinary fee payable at the school which he selects, and in no case is the fee to exceed three-pence per week.

RETURNS TO LOCAL AUTHORITIES OF BIRTHS AND DEATHS.

It is essential, having regard to the provisions of the Act, that facilities should be furnished for obtaining information as to the ages of children, and sec. 25 accordingly provides for a copy of the entry in the register with respect to any birth being furnished by the registrar on a requisition in a form to be prescribed by the Local Government Board, and on payment of such fee, not exceeding one shilling, as may be fixed by that Board (sec. 25). Provision is also made for arrangements under which the registrar will furnish the local authority with returns of the births and deaths registered by him (sec. 26).

INDUSTRIAL SCHOOLS.

The Act provides for the establishment of a new class of industrial schools, termed "day industrial schools," in which industrial training, elementary education, and one or more meals a day, but not lodging, will be provided for the children. A school for this purpose, when certified by a Secretary of State, will become a "certified day industrial school," and prison authorities and School Boards will have the same powers as regards establishing, building, and maintaining or contributing towards the cost of a day industrial school as they have in the case of an industrial school. Grants for such schools may also be made out of moneys provided by parliament, not exceeding one shilling per head per week for each child sent to the school by an order of a court other than an attendance order (see p. xii.).

When a School Board or School Attendance Committee are informed by any person of a child within their jurisdiction liable to be sent to an industrial school, it will be their duty to take proceedings for that purpose, unless they think it inexpedient to do so (sec. 13). But a child who under the Industrial Schools Acts might be sent to a certified industrial school may, if the court deem it desirable, be sent to a certified day industrial school. Children sent to a certified day industrial school may be detained there during such hours as may be authorised by the rules of the school approved by the Secretary of State (sec. 16).

When a Court of Summary Jurisdiction orders, otherwise than by an attendance order, a child to be sent to a certified day industrial school, the parent of the child, if liable to maintain him, may be ordered to contribute a sum not exceeding two shillings per week. It will be the duty of the local authority to obtain and enforce the order, and any sums received under it are to be applied in aid of their expenses. If the parent is unable to pay the sum required by the order, he is to apply to the guardians having jurisdiction in the parish in which he resides, and the guardians, if satisfied of his inability, are to give him sufficient relief to pay the sum, or such part as they may consider him unable to pay.

If a local authority and the parent of a child so request, and the parent undertakes to pay such sum, not less than one shilling a week, as a Secretary of State may fix, the managers of a certified day industrial school may receive the child into the school under an attendance order, or without an order of a court. In such case a sum not exceeding sixpence a week may be contributed out of moneys provided by parliament (sec. 16).

When a child is sent to a certified industrial school, upon the complaint of a local authority, a license may be given by the managers at the expiration of one month after the child is received by them for the child to live out of the school, on the condition that he attends as a day scholar some certified efficient school in such regular manner as is specified in the license (sec. 14).

Where a School Board propose to establish, build, or maintain a certified industrial school, or a certified day in-

dustrial school, the consent of the Secretary of State and not that of the Education Department will be necessary. The like consent will be required to the borrowing by a School Board for the purpose (sec. 15.)

PAYMENT OF SCHOOL FEES BY GUARDIANS.

School Boards were empowered by sec. 25 of the Education Act of 1870 to pay the school fees of children when the parents were unable through poverty to do so ; but this section is repealed by the present Act. When a parent, not being a pauper, by reason of poverty is unable to pay the ordinary fee for his child at a public elementary school, he is to apply to the guardians having jurisdiction in the parish in which he resides, and the guardians, if satisfied of his inability, are to pay the fee not exceeding threepence a week, or such part as the parent in the opinion of the guardians is unable to pay. The parent is not in any way to be controlled by the guardians in his selection of the public elementary school which his child shall attend, and the payment of the school fee by the guardians is not to deprive him of any franchise or right, or subject him to any disability or disqualification (sec. 10).

The provisions as to the payment of the school fees in the case of pauper children have already been referred to (p. xvii.).

With regard to the offence of fraudulently obtaining the remission or payment of school fees, see sec. 37.

EXPENSES OF LOCAL AUTHORITIES AND GUARDIANS.

The expenses incurred by a School Board under this Act will be defrayed in like manner as their expenses under the Education Acts, 1870, 1873 (sec. 30).

School Attendance Committees are not to incur expenses without the consent of the authority by whom they are appointed. The expenses incurred with that consent are to be defrayed as follows :—

In the case of a School Attendance Committee appointed by the council of a borough, the expenses are to be paid out of the borough fund or borough rate (sec. 31).

When the committee are appointed by an urban sanitary

authority, the expenses are to be paid out of a fund to be raised out of the poor rate of the parish or parishes comprised in the district, according to the rateable value of each parish. The urban sanitary authority for the purpose of obtaining payment of such expenses are to have the same power as a board of guardians have for obtaining contributions to their common fund under the Poor Law Acts (sec. 33).

In the case of a committee appointed by a board of guardians, the expenses are to be defrayed out of a fund raised out of the poor rate of the parishes in which the committee act, according to the rateable value of each parish, and for obtaining payment of these expenses the guardians will have the same powers as they have for obtaining contributions to the common fund of the union.

The moneys given by boards of guardians for the payment of school fees for children of parents who are not paupers are however to be charged to the parish in which the parent is resident, in like manner as other parochial charges (sec. 35). The same mode of charging is to be adopted in any case in which the guardians give a parent relief to enable him to pay the amount required in respect of a child sent to a certified day industrial school (sec. 16).

Relief given by the guardians for the attendance at school of pauper children under sec. 40 will be paid out of the common fund of the union. In the metropolis the relief thus given will be repayable from the Metropolitan Common Poor Fund.

When the School Board or the guardians require to raise expenses from part of a parish, as in the case of a parish partly within and partly without a borough, the overseers of the entire parish are to be deemed to be the overseers of the part of the parish, and a rate in the nature of a poor rate may be levied in such part by the overseers, either as a separate rate or as an addition to the poor rate. The guardians will have the like power of obtaining payment of a contribution from part of a parish as they have in the case of a whole parish (sec. 49).

There is a further provision to the effect that when expenses are incurred by the officers of guardians in carrying

into effect sec. 20 of the Education Act of 1870, with regard to the publication of notices, such expenses may be charged to the parish in respect of which they are incurred (sec. 34).

MISCELLANEOUS DUTIES OF LOCAL AUTHORITIES.

It will devolve on the local authority to publish the provisions of this Act within their jurisdiction in such manner as they think best calculated for making the provisions known (sec. 7).

It will also be their duty to report to the Education Department any infraction of the provisions of sec. 7 of the Education Act, 1870 (the conscience clause), which may come to their knowledge (sec. 7).

The local authority will further be required to furnish the Education Department with such returns and information as to their proceedings under the Act as may from time to time be called for by the department (sec. 43).

DEFAULT OF LOCAL AUTHORITY.

If a School Board or School Attendance Committee fail to fulfil their duties under the Act, the Education Department, by sec. 27, have vested in them ample powers for dealing with the default.

In the case of a School Board, the Education Department may proceed as if the Board had made default under the Education Act, 1870.

In the case of a School Attendance Committee, the department may, by order, appoint persons for a specified period, not exceeding two years, to perform the duty of the committee. During such period the persons appointed by the department are to take the place of the defaulting committee; they are to be invested with all the powers of the committee, and are not to be subject to any control by the council or guardians by whom the committee were appointed. When the period for which persons have been appointed by the Education Department expires, a School Attendance Committee are forthwith to be appointed by the council or the guardians, as the case may be, and such committee will resume the duties of the local authority under the Act, sub-

ject, if necessary, to further proceedings under this section in the event of a new default.

The Education Department may assign remuneration to the persons appointed by them to take the place of a defaulting committee, and such remuneration and the expenses incurred by them in the discharge of their duties, to such amount as may be certified by the Education Department to be due, will be a debt to Her Majesty, and will be recoverable accordingly from the council or the guardians (sec. 27).

PROVISIONS AS TO SCHOOL BOARDS.

The powers of a School Board as a local authority have been already noticed, but there are two or three other provisions to which it is necessary to refer.

The first is as to casual vacancies occasioned by the death, resignation, or disqualification of members of School Boards. The heavy expense which has been entailed by the elections for filling up these vacancies will in future be avoided. Casual vacancies may now, instead of being filled up by elections by the burgesses in the case of a borough, or by the ratepayers in the case of a parish, be filled up "by the remaining members of the School Board, if a quorum, at a special meeting of the Board called for the purpose" (sec. 44, sched. 3).

Sec. 42 contains a provision for meeting the difficulty which has arisen with regard to the provision of offices by School Boards. The section enables a School Board, when they satisfy the Education Department that it is proper, having regard to the large population of the district, that an office should be provided, to acquire or erect the necessary buildings, and to obtain a loan for the purpose.

Another provision is that contained in sec. 41, which enables the Education Department under certain circumstances to dissolve a School Board, and to make provision for the property and liabilities of the Board.

PARLIAMENTARY GRANT.

The only other provisions to which it is necessary to

allude are those with regard to the parliamentary grant to schools.

In the first place, it is provided that when, during the first five years after the 1st January, 1877, a child before he attains the age of eleven years obtains a certain certificate of proficiency in reading, writing, and arithmetic, and also of previous due attendance at a public elementary school, the school fee payable by the child at a public elementary school in the course of the three years next after he obtains the last of such certificates, not exceeding the ordinary fee charged at the school, may be paid by the Education Department out of moneys provided by parliament (sec. 18).

Then there is a modification of the provision in sec. 97 of the Education Act, 1870, as to the conditions of the annual parliamentary grant. After the 31st March, 1877, the grant is not in any year to be reduced by reason of its excess above the income of the school, if it does not exceed the sum of seventeen shillings and sixpence per child in average attendance at the school during the year; but it is not to exceed that amount per child except by the same sum by which the income of the school derived from voluntary contributions, rates, school fees, endowments, and any source whatever other than the parliamentary grant exceeds that amount per child.

There is also a provision for special grants in addition to the ordinary annual parliamentary grant, in cases where the population of the school district in which a school is situate, or the population within two miles, measured according to the nearest road from the school, is less than 300, and there is no other public elementary school recognised by the Education Department as available for the children of that district, or that population, as the case may be. Under such circumstances a special parliamentary grant may be made annually to the school to the amount, if the population exceeds 200, of £10, and if it does not exceed 200, of £15 (sec. 19).

The conditions required to be fulfilled by schools in order to obtain annual parliamentary grants are to provide that the income of the schools shall be applied only for the purpose of public elementary schools (sec. 20).

THE ELEMENTARY EDUCATION ACT, 1876.

[39 & 40 VICT., CAP. 79.]

AN Act to make further provision for Elementary Education.

[15 August, 1876.]

Whereas it is expedient to make further provision for the education of children, and for securing the fulfilment of parental responsibility in relation thereto, and otherwise to amend and to extend the Elementary Education Acts.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PRELIMINARY.

Short Title.

1. This Act may be cited as the "Elementary Education Act, 1876."

Extent of Act.

2. This Act shall not, save as otherwise expressly provided, apply to Scotland or Ireland.

By sec. 52 it is provided that the provisions in this Act with respect to the conditions to be fulfilled by schools in order to obtain an annual Parliamentary grant shall apply to Scotland.

Commencement of Act.

3. This Act shall, save as otherwise expressly provided, come into operation on the first day of January one thousand eight hundred and seventy-seven (which day is in this Act referred to as the commencement of this Act).

The only provision which comes into operation immediately is that contained in sec. 44, with regard to elections to fill casual vacancies in School Boards.

PART I.

LAW AS TO EMPLOYMENT AND EDUCATION OF CHILDREN.

Declaration of duty of parent to educate child.

4. It shall be the duty of the parent of every child to cause such child to receive efficient elementary instruction in reading, writing, and arithmetic, and if such parent fail to perform such duty, he shall be liable to such orders and penalties as are provided by this Act.

Under the Education Act of 1870 a School Board may make bye-laws requiring the parents of children of such age, not less than five years nor more than thirteen years, as may be fixed by the bye-laws, to cause such children, unless there is some reasonable excuse, to attend school; but previously to the passing of the present Act there was no express statutory declaration as to the duty of a parent to cause his child to receive efficient elementary instruction. The word "child" is defined by sec. 48 as meaning a child between the ages of five and fourteen years.

Terms in this Act are, so far as is consistent with the tenor thereof, to have the same meaning as in the Elementary Education Acts, 1870 and 1873. The term "parent," therefore, "includes guardian and every person who is liable to maintain or has the actual custody of any child." This definition includes the father and grandfather, and the mother and grandmother of a child, as by the 43 Eliz. c. 2, sec. 7, they are liable to maintain the child.

For provisions as to orders and penalties see sections 11, 12, & 37.

Regulation as to employment of child under 10, and certificate of education or previous school attendance being condition of employment of child over 10.

5. A person shall not, after the commencement of

this Act, take into his employment (except as herein-after in this Act mentioned) any child—

- (1.) Who is under the age of ten years; or
- (2.) Who, being of the age of ten years or upwards, has not obtained such certificate either of his proficiency in reading, writing, and elementary arithmetic, or of previous due attendance at a certified efficient school, as is in this Act in that behalf mentioned, unless such child, being of the age of ten years or upwards, is employed, and is attending school in accordance with the provisions of the Factory Acts, or of any byelaw of the local authority (hereinafter mentioned) made under section seventy-four of the Elementary Education Act, 1870, as amended by the Elementary Education Act, 1873, and this Act, and sanctioned by the Education Department.

The "commencement of this Act" is the 1st January, 1877.

It will be observed from section 51 that so far as regards the twelve months after the commencement of the Act (*i.e.*, the year ending the 31st December, 1877), this enactment is to be read as if the words, "the age of nine years," were substituted for the "age of ten years." A child who has attained the age of eleven years before the 1st of January, 1877, will not come within the operation of the section, and any child lawfully employed at the date of the passing of the Act (15th August, 1876) may continue to be employed or may obtain fresh employment at another place as if this Act had not passed.

Sec. 25 affords facilities for obtaining certified copies of the entries in the register of births for the purpose of this section.

As to the standards of proficiency in reading, writing, and elementary arithmetic, and of previous due attendance at a certified efficient school, for certificates under this Act, see sec. 24 and rules 1, 2, & 3 in the first schedule. The term "certified efficient school" is defined by sec. 48.

As to the provisions of the Factory Acts, see secs. 8 & 50 and p. 74. As to byelaws under sec. 74 of the Elementary Education Act, 1870, see secs. 21, 23, & 50.

The definition of the term "child" in sec. 48 limits the operation of this section to children under the age of fourteen years.

A parent who employs his child in any labour exercised by way of

trade, or for the purposes of gain, is to be deemed for the purposes of this section to take the child into his employment (sec. 47).

The local authorities for enforcing the prohibitions as to the employment of children are provided for by secs. 7 & 33. As to penalties, see secs. 6, 9, 37, 39, 47, & 50.

Sec. 29 contains a provision with reference to the entry on premises for the purpose of ascertaining whether children are employed in contravention of the Act.

Penalty for employing a child in contravention of Act.

6. Every person who takes a child into his employment in contravention of this Act shall be liable, on summary conviction, to a penalty not exceeding forty shillings.

For provisions as to the prohibition of the employment of children and the authority by whom they are to be enforced, see secs. 5, 7, 9, 33, 39, 47, & 50, and as to legal proceedings for penalties, secs 37, 38, 39.

As to enforcement of penalties, see secs. 9, 38, 39, 47, & 50.

Enforcement of Act by school board or school attendance committee of existing local authority or by inspectors of factories or mines.

7. The provisions of this Act respecting the employment of children shall be enforced—

- (1.) In a school district within the jurisdiction of a school board, by that board; and
- (2.) In every other school district by a committee (in this Act referred to as a school attendance committee) appointed annually, if it is a borough, by the council of the borough, and, if it is a parish, by the guardians of the union comprising such parish (1).

A school attendance committee under this section may consist of not less than six nor more than twelve members of the council or guardians appointing the committee, so, however, that, in the case of a committee appointed by guardians, one-third at least shall consist

of ex-officio guardians, if there are any and sufficient ex-officio guardians (2).

Every such school board and school attendance committee (in this Act referred to as the local authority) shall, as soon as may be, publish the provisions of this Act within their jurisdiction in such manner as they think best calculated for making those provisions known.

Provided that it shall be the duty of the inspectors and sub-inspectors acting under the Acts regulating factories, workshops, and mines respectively, and not of the local authority, to enforce the observance by the employers of children in such factories, workshops, and mines, of the provisions of this Act respecting the employment of children; but it shall be the duty of the local authority to assist the said inspectors and sub-inspectors in the performance of their duty by information and otherwise.

It shall be the duty of such local authority to report to the Education Department any infraction of the provisions of section seven of the Elementary Education Act, 1870, in any public elementary school within their district which may come to their knowledge, and also to forward to the Education Department any complaint which they may receive of the infraction of those provisions (3).

(1.) From this section it would appear that in every school district not within the jurisdiction of a School Board, and not included in a borough, the School Attendance Committee are to be appointed by the guardians of the union comprising the parish, but it will be observed from section 33 that on the application of an urban sanitary authority of an urban sanitary district, which is not and does not comprise a borough, and which is co-extensive with any parish or parishes not within the jurisdiction of a School Board containing according to the last census a population of not less than 5,000, the Education Department may by order authorise the sanitary authority to appoint a School Attendance Committee, and thereupon the sanitary authority may appoint a School Attendance Committee as if they were the council of a borough.

Terms in this Act are, so far as is consistent with the tenor thereof, to have the same meaning as in the Elementary Education Acts, 1870 and 1873, and consequently the word "borough" in this section applies only to the boroughs specified in schedules A and B of the Municipal Corporations Act of 1835 and the municipal boroughs which have been incorporated since the passing of that Act. The borough of Wenlock is not to be deemed a borough for the purposes of the Education Acts (see 37 & 38 Vict. c. 39).

The School Attendance Committee are to be appointed annually. A committee can only be appointed by the guardians at the first meeting after the annual election of guardians or some other meeting fixed with the approval of the Local Government Board for the purpose (schedule 2, rule 6). As to the annual election of guardians, see 14 & 15 Vict. c. 105, s. 2. There is no provision as to the date at which the School Attendance Committee are to be appointed by a Town Council, and it would appear, therefore, that such committee might be appointed immediately after the commencement of the Act (1st January, 1877).

(2.) A School Attendance Committee must consist of members of the Town Council, or guardians of the union, as the case may be. The section does not preclude the guardians from appointing as members of the committee guardians of the union who represent parishes which are within the jurisdiction of a School Board or are included in a borough.

In the case of a committee appointed by guardians, if there is no ex-officio guardian the whole number must be chosen from the elected guardians. If there are ex-officio guardians, but not so many as a third of the total number of members as fixed by the guardians, the deficiency will be made up from the elected guardians. If there are ex-officio guardians who can be appointed to make up the proportion of one-third, it would seem that the guardians cannot fill up their places with elected guardians, even though the ex-officio guardians may be unwilling to act. If the guardians deem it desirable the ex-officio guardians may constitute more than one-third of the committee. An ex-officio guardian is a justice of the peace residing in any parish in the union and acting for the county, riding, or division in which the union or any part of it is situated.

A School Attendance Committee will continue in office until the first meeting of the council or guardians appointing them after the next annual election of councillors and guardians, and thereafter until the new committee are appointed (schedule 2, rule 5).

Casual vacancies in a School Attendance Committee may be filled up by the council or guardians, as the case may be (schedule 2, rule 4). But looking to the provision as to the appointment of ex-officio guardians, it would appear that where the vacancy is caused by an ex-officio guardian ceasing to hold office as a member of the committee, and the number of ex-officio guardians on the committee is thereby reduced to less than one-third of the total number of members, some other ex-officio guardian should, when practicable, be appointed to succeed him.

In certain cases which are provided for by sec. 33, the urban sanitary authority of a district which is not and does not comprise a borough, and is not wholly within the jurisdiction of a School Board, are to be empowered to appoint such number as the Education Department may allow, not exceeding three—of their own members—to be members of the School Attendance Committee of the union.

When it is deemed desirable the Town Council or guardians, subject to the provisions in this section, may increase or diminish the number of members of a School Attendance Committee (sec. 32).

In the case of a School Attendance Committee appointed by the guardians, the clerk to the guardians will be the clerk of the committee (sec. 34). The committee will act for every parish in the union which is not for the time being under any other local authority within the meaning of the Act (sec. 32).

Where a parish is situated partly within and partly without a borough, the part outside the borough is to be deemed a "parish" (33 & 34 Vict. c. 75, s. 77). See also 36 & 37 Vict. c. 86, s. 12, as to a part of a parish separated from the principal part of the parish.

As to the appointment of local committees by the School Attendance Committee, and the regulations as to the proceedings of committees, see sec. 32, and schedule 2.

(3.) In connection with this section the question arises, what is a "public elementary school"?

Sec. 3 of the Elementary Education Act, 1870, provides that "the term 'elementary school' means a school or department of a school at which elementary education is the principal part of the education there given, and does not include any school or department of a school at which the ordinary payments in respect of the instruction, from each scholar, exceed ninepence a week."

A "Public Elementary School" is an "elementary school conducted in accordance with the regulations" prescribed by sec. 7 of the Elementary Education Act, 1870.

That Section provides as follows:—

"Every public elementary school shall be conducted in accordance with the following regulations (a copy of which regulations shall be conspicuously put up in every such school), namely:—

"(1.) It shall not be required, as a condition of any child being admitted into or continuing in the school, that he shall attend or abstain from attending any Sunday school or any place of religious worship, or that he shall attend any religious observance or any instruction in religious subjects in the school or elsewhere, from which observance or instruction he may be withdrawn by his parent, or that he shall, if withdrawn by his parent, attend the school on any day exclusively set apart for religious observance by the religious body to which his parent belongs:

"(2.) The time or times during which any religious observance is practised or instruction in religious subjects is given at any meeting of the school shall be either at the beginning or at the end, or at the beginning and the end, of such meeting, and shall be inserted in a

time-table to be approved by the Education Department, and to be kept permanently and conspicuously affixed in every schoolroom ; and any scholar may be withdrawn by his parent from such observance or instruction without forfeiting any of the other benefits of the school :

“(3.) The school shall be open at all times to the inspection of any of Her Majesty’s inspectors, so, however, that it shall be no part of the duties of such inspector to inquire into any instruction in religious subjects given at such school, or to examine any scholar therein in religious knowledge or in any religious subject or book :

“(4.) The school shall be conducted in accordance with the conditions required to be fulfilled by an elementary school in order to obtain an annual Parliamentary Grant.”

With regard to the regulations above referred to, it is to be observed that the term “parent” includes guardian and every person who is liable to maintain, or has the actual custody of, any child. It is not specified in what manner the parent is to “withdraw” the child from religious instruction and observances in the school. It would be convenient that the notice of the parent’s wish in the matter should be given in writing, but a verbal intimation to the managers or the teacher would probably be sufficient.

The provision relative to the withdrawal of a child from school on any day exclusively set apart for religious observance by the religious body to which the parent belongs was specially intended to meet the cases of Jewish and Roman Catholic children.

When the school is held both in the morning and in the afternoon, the religious observance or instruction may take place not only at the beginning or end, or beginning and end, of the day’s secular instruction, but of the morning and afternoon meeting respectively.

It rests with the managers of the school, to determine the duration of the morning and afternoon meetings of a public elementary school, subject to not less than two consecutive hours in the case of scholars above seven and one hour and a half in the case of those under seven being devoted to secular instruction at each meeting.

At a meeting of the Committee of Council on Education, on the 7th of February, 1871, the following resolutions with reference to the provisions of the section were adopted :—“(1) That the time-table of each public elementary school shall be submitted to the inspector of the district, at his first visit to the school after the 30th of April, 1871. (2) That the inspector shall enter on every time-table which fulfils the requisite conditions, ‘Approved, on behalf of the Education Department,’ with his signature and the date of his visit. (3) That the inspector may approve any time-table which, while conforming to sec. 7 (No. 2) of the Education Act in respect of the time or times appointed for religious observances or instruction, sets apart for instruction in secular subjects at least two consecutive hours at each morning and afternoon meeting, and one hour and a half at each evening meeting of the school. (4) That the inspector shall not express any opinion as to the time or times appointed for religious observances or instruction, or as to the nature of such instruction, but

shall confine himself to seeing that the prescribed amount of time is secured for secular instruction. (5) That before signing the time-table the inspector shall satisfy himself: (a) that a copy of the regulations contained in sec. 7 of the Education Act is conspicuously put up in the school; (b) that the time-table is printed, or written, in distinct characters, and that sufficient copies of it are provided to be put up in every schoolroom; (c) that if the school premises admit of it, the children withdrawn by their parents from religious observances or instruction receive, by themselves, instruction in secular subjects during the time or times set apart for religious instruction or observances. (6) That the inspector, at any visit which he pays to a school without notice, shall report to the Education Department if he finds that the work of the school is not being carried on according to the approved time-table, or that the time-table itself is not exhibited in every schoolroom. (7) That if any five parents or guardians of scholars for the time being attending a school make complaint in writing to the Education Department that a time-table, approved by the inspector, is not in accordance with this minute, the Education Department, on receiving such complaint, shall make such inquiry and order in the matter as they may think fit."

It will be observed that two different classes of cases are provided for by the sub-section. The first are those in which the local authority by inquiry or otherwise have satisfied themselves that the regulations above referred to have been infringed. These cases it will be the duty of the local authority to report to the Education Department. The second are those where the local authority receive complaints of infraction of the regulations; and in these cases the local authority must forward the complaints to the Education Department, who will, no doubt, institute such inquiries with regard to them as may be necessary. This provision was proposed with the view of affording additional security that the "conscience clause" shall be strictly carried out.

In the case of a school provided by a School Board, sec. 14 of the Elementary Education Act, 1870, requires not only that it shall be conducted as a "public elementary school," but that "no religious catechism or religious formulary which is distinctive of any particular denomination shall be taught in the school."

Employment and education of children in factories, &c.

8. Whereas by sections fourteen and fifteen of the Workshop Regulation Act, 1867 provision is made respecting the education of children employed in workshops, and it is expedient to substitute for the said sections the provisions respecting education of the Factory Acts, 1844 and 1874: Be it therefore enacted, that sections thirty-one, thirty-eight, and thirty-nine

of the Factory Act, 1844, and sections twelve and fifteen of the Factory Act, 1874, shall apply to the employment and education of all children employed in factories subject to the Factory Acts, 1833 to 1871, and not subject to the Factory Act, 1874, or in workshops subject to the Workshop Acts, 1867 to 1871.

Provided, that section twelve of the Factory Act, 1874, shall not apply to any child so employed who has attained the age of eleven years before the commencement of this Act.

Sections 31, 38, & 39 of the Factory Act, 1844 (7 & 8 Vict. c. 15.) & Sections 12 & 15 of the Factory Act, 1874 (37 & 38 Vict. c. 44), will be found in the Appendix (p. 74).

The Factory Act of 1874 only applied to factories as defined by the Factory Act, 1844, the Ropeworks Act, 1846 (9 & 10 Vict. c. 40), and the Lace Factory Act, 1861 (24 & 25 Vict. c. 117). The provisions of the sections above referred to will, on and after the 1st January, 1877, subject to the exception in the case of children employed in factories or workshops who had before that day attained the age of eleven years, also apply to all children employed in factories or workshops under the Factories Extension Act, 1864 (27 & 28 Vict. c. 48), the Factory Acts Extension Act, 1867 (30 & 31 Vict. c. 103), the Workshop Regulation Act, 1867 (30 & 31 Vict. c. 146), and the Factory and Workshop Act, 1870 (33 & 34 Vict. c. 62).

The factories and workshops which come within the operation of these several Acts are set forth in the appendix (see p. 78).

Secs. 14 & 15 of the Workshop Regulation Act of 1867 are repealed by sec. 51 of this Act.

Children of the age of nine years or upwards in the year ending the 31st of December, 1877, or of ten years or upwards after that date, will be exempt from the operation of sec. 5 of this Act if employed and attending school in accordance with the provisions of the Factory Acts. It must, however, be borne in mind that a child of the age referred to will not be exempt by attending school in accordance with the provisions of these Acts, unless he is also employed in accordance with those provisions. When, therefore, the Factory Act prescribes the minimum age at which a child may be employed in a factory to which the Act applies, this statute will not authorise the employment of a child at an earlier age. Sec. 50 expressly provides that nothing in this Act shall prejudice the effect of or derogate from any provision relating to the employment of children contained in any previous Act of Parliament which may be more stringent in its provisions than this Act.

As to the enforcement of the Act as regards the employment of children in factories and workshops, see sec. 7.

Exception to prohibition of employment of children.

9. A person shall not be deemed to have taken any child into his employment contrary to the provisions of this Act, if it is proved to the satisfaction of the court having cognizance of the case either (1)—

- (1.) That during the employment there is not within two miles, measured according to the nearest road, from the residence of such child any public elementary school open which the child can attend (2); or
- (2.) That such employment, by reason of being during the school holidays, or during the hours during which the school is not open, or otherwise, does not interfere with the efficient elementary instruction of such child, and that the child obtains such instruction by regular attendance for full time at a certified efficient school or in some other equally efficient manner (3); or
- (3.) That the employment is exempted by the notice of the local authority hereinafter next mentioned; (that is to say,)

The local authority may, if it thinks fit, issue a notice exempting from the prohibitions and restrictions of this Act the employment of children above the age of eight years, for the necessary operations of husbandry and the ingathering of crops, for the period to be named in such notice: Provided that the period or periods so named by any such local authority shall not exceed in the whole six weeks between the first day of January and the thirty-first day of December in any year (4).

The local authority shall cause a copy of every notice so issued to be sent to the Edu-

cation Department and to the overseers of every parish within its jurisdiction, and the overseers shall cause such notice to be affixed to the door of all churches and chapels in the parish, and the local authority may further advertise any such notice in such manner (if any) as it may think fit.

(1) The provisions prohibiting the employment of children are contained in sec. 5.

(2) For definition of "public elementary school," see note to sec. 7.

(3) "A certified efficient school" is defined by sec. 48.

(4) These provisions are rendered necessary by the repeal of the Agricultural Children Act, 1873 (see sec. 52). The period during which the prohibition as to the employment of children for the purposes named shall be suspended will be in the discretion of the local authority, subject to the limitation that such periods shall not in the aggregate exceed six weeks between the 1st of January and the 31st of December in each year. The term "local authority" is defined by secs. 7. 33. The period of suspension will not necessarily be inclusive of the time during which the school is closed for the holidays. See subsection (2).

Payment of school fees for poor parents.

10. The parent, not being a pauper, of any child who is unable by reason of poverty to pay the ordinary fee for such child at a public elementary school, or any part of such fee, may apply to the guardians having jurisdiction in the parish in which he resides; and it shall be the duty of such guardians, if satisfied of such inability, to pay the said fee, not exceeding threepence a week, or such part thereof as he is, in the opinion of the guardians, so unable to pay.

The parent shall not by reason of any payment made under this section be deprived of any franchise, right, or privilege, or be subject to any disability or disqualification.

Payment under this section shall not be made on condition of the child attending any public elementary school other than such as may be selected by the parent,

nor refused because the child attends, or does not attend any particular public elementary school.

The twenty-fifth section of the Elementary Education Act, 1870, is hereby repealed.

The Elementary Education Act, 1870, by sec. 17, empowers a School Board, in the case of a child attending a school provided by them, from time to time, for a renewable period not exceeding six months, to remit the whole or any part of the school fee, when they are of opinion that the parent of the child is unable from poverty to pay the same. Sec. 25 of that Act further provides that "the School Board may, if they think fit, from time to time, for a renewable period not exceeding six months, pay the whole or any part of the school fee payable at any public elementary school by any child resident in their district whose parent is, in their opinion, unable from poverty to pay the same."

From the commencement of this Act, the 1st January, 1877, sec. 25 above referred to will be repealed. The powers of a School Board as regards the remission or payment of fees in the case of the children of poor parents will be limited to remitting, where they deem it necessary, the fees of children attending a school provided by the School Board. Their powers as to the payment of school fees will entirely cease.

With the School Board it was optional whether they would pay school fees under sec. 25, but under the present section, if the guardians, when applied to by the parent of a child who is unable by reason of poverty to pay the ordinary fee at a public elementary school, or any part of the fee, are satisfied of the inability of the parent to pay such fee, not exceeding threepence per week, it will be an absolute duty on the part of the guardians, whether or not the child is resident in a School Board district, to pay the fee, or such portion of it as the parent in their opinion is unable to pay. It may happen that there is a School Board school which the child might attend, and that the School Board would be willing to remit the fee for his attendance, but these circumstances would not relieve the guardians of their duty as regards the payment of the fee, if they were satisfied of the poverty of the parent.

It will be seen that the powers and duties under this section devolve on the guardians, and not on the School Attendance Committee; but it might sometimes be convenient that the guardians should obtain reports from the committee on the cases in which applications are made under this section.

The parent when the fees are paid by the guardians must be wholly uncontrolled by them in the selection of the school which the child shall attend, subject to the condition that the school must be a public elementary school. For definition of "public elementary school," see note to sec. 7.

The maximum sum which the guardians will be empowered to

pay under this section will be threepence a week. When the ordinary fee at the school which the child attends is less than threepence per week, such fee only should be paid.

In the cases provided for by this section the guardians are to "pay the said fee." They are not required by the terms of the section to pay the fee to the parent, and consequently the enactment would be satisfied if the guardians were to arrange to pay the fee direct to the managers of the school which the child attends.

It will be observed that the section only refers to non-paupers. The cases of paupers are provided for by sec. 40.

As to the mode of charging money given for the payment of school fees in non-pauper cases, see sec. 35, and as to the penalty for fraudulently obtaining payment of school fees, see sec. 37.

Provision as to order of court for attendance at school of child habitually neglected by parent or habitually wandering and consorting with criminals or disorderly persons.

11. If either—

- (1.) The parent of any child above the age of five years who is under this Act prohibited from being taken into full time employment, habitually and without reasonable excuse neglects to provide efficient elementary instruction for his child; or
- (2.) Any child is found habitually wandering or not under proper control, or in the company of rogues, vagabonds, disorderly persons, or reputed criminals;

it shall be the duty of the local authority, after due warning to the parent of such child, to complain to a court of summary jurisdiction, and such court may, if satisfied of the truth of such complaint, order that the child do attend some certified efficient school willing to receive him and named in the order, being either such as the parent may select, or, if he do not select any, then such public elementary school as the court think expedient, and the child shall attend that school every time that the school is open, or in such other regular manner as is specified in the order.

An order under this section is in this Act referred to as an attendance order.

Any of the following reasons shall be a reasonable excuse :

- (1.) That there is not within two miles, measured according to the nearest road, from the residence of such child any public elementary school open which the child can attend; or
- (2.) That the absence of the child from school has been caused by sickness or any unavoidable cause.

As to the definition of the term "parent," see note to sec. 4. The first clause of the section refers to "any child above the age of five years," and the second clause to "any child." In both cases the provision in sec. 48, that "a child in this Act means a child between the ages of five and fourteen years," applies. As to the prohibitions with regard to the employment of children, see sec. 5.

The "local authority" is the School Board of the district or the School Attendance Committee, provided for by secs. 7 and 33. For definition of the term, "Court of Summary Jurisdiction," see note to sec. 37.

If the parent selects the school which the child is to be ordered to attend, it will be sufficient if it is a "certified efficient school," but if the parent makes no selection, it must be a "public elementary school." As to the definition of a "certified efficient school," see sec. 48; and as to that of a "public elementary school," see note to sec. 7.

The reasons which are to be deemed a reasonable excuse are similar to those provided for by sec. 74 of the Elementary Education Act, 1870, when byelaws are made. One exception, however, is that under the present section it will be a reasonable excuse if there is no public elementary school open which the child can attend within *two miles*, measured according to the nearest road from the residence of the child. Under the Act of 1870 it was left to the School Board by their byelaws to prescribe the distance, subject to the condition that it should not exceed *three miles*.

As the Bill was originally drawn it would have been a "reasonable excuse," within the meaning of this section, if the absence of the child from school had been caused by "necessary domestic employment at its own home," but these words were struck out of the Bill in committee.

For proceedings in the case of non-compliance with an "attendance order," see the following section.

When the byelaws in force are more stringent than the provisions contained in this section, the local authority can, if they think fit,

institute proceedings for contravention of the byelaws instead of under this section (see sec. 50).

See also sec. 16 (4) with regard to receiving children into a certified day industrial school, under attendance orders, and the payments to be made by the parents and the parliamentary contributions in such cases.

Proceedings on disobedience to order of court for attendance at school.

12. Where an attendance order is not complied with, without any reasonable excuse within the meaning of this Act, a court of summary jurisdiction, on complaint made by the local authority, may, if it think fit, order as follows:

- (1.) In the first case of non-compliance, if the parent of the child does not appear, or appears and fails to satisfy the court that he has used all reasonable efforts to enforce compliance with the order, the court may impose a penalty not exceeding with the costs five shillings; but if the parent satisfies the court that he has used all reasonable efforts as aforesaid, the court may, without inflicting a penalty, order the child to be sent to a certified day industrial school, or if it appears to the court that there is no such school suitable for the child, then to a certified industrial school; and
- (2.) In the second or any subsequent case of non-compliance with the order, the court may order the child to be sent to a certified day industrial school, or if it appears to the court that there is no such school suitable for the child, then to a certified industrial school, and may further in its discretion inflict any such penalty as aforesaid, or it may for each such non-compliance inflict any such penalty as aforesaid without ordering the child to be sent to an industrial school;

Provided that a complaint under this section with respect to a continuing non-compliance with any attendance order shall not be repeated by the local authority at any less interval than two weeks.

A child shall be sent to a certified industrial school, or certified day industrial school, in pursuance of this section in like manner as if sent in pursuance of the Industrial Schools Act, 1866, and when so sent shall be deemed to have been sent in pursuance of that Act and the Acts amending the same; and the parent, if liable under the said Acts to contribute to the maintenance and training of his child when sent to an industrial school, shall be liable so to contribute when his child is sent in pursuance of this section.

An "attendance order" is an order made by a Court of Summary Jurisdiction under the preceding section, and the reasons for non-compliance with the order which are to be deemed a "reasonable excuse" are prescribed by that section.

A "certified industrial school" is "a school in which industrial training is provided and children are lodged, clothed, and fed, as well as taught," certified by a Secretary of State under the Industrial Schools Act, 1866 (29 & 30 Vict., c. 118), for the reception of children under that Act. A "certified day industrial school" is a school certified by a Secretary of State in like manner as under the Industrial Schools Act, "in which industrial training, elementary education, and one or more meals a day, but not lodging, are provided for the children" (see sec. 16).

Children sent to an industrial school, in pursuance of this section, are to be sent in like manner as if sent in pursuance of the Industrial Schools Act, 1866. By sec. 18 of that Act it is provided that the order of justices or a magistrate sending a child to a school shall be in writing, signed by the justices or magistrate, and shall specify the name of the school. In determining on the school the justices or magistrate shall endeavour to ascertain the religious persuasion to which the child belongs, and shall, if possible, select a school conducted in accordance with such religious persuasion, and the order shall specify such religious persuasion. The order shall specify the time for which the child is to be detained in the school, being such time as to the justices or magistrate seems proper for the teaching and training of the child, but not in any case extending beyond the time when the child will attain the age of sixteen years.

A Secretary of State may, from time to time, make, and when made revoke and vary, the forms of orders for sending a child to a day

industrial school, and the manner in which children are to be sent to such school (sec. 16).

In the case of a child sent to a certified day industrial school by an order of a court, the child will be detained there during such hours as are authorised by the rules of the school, approved by the Secretary of State (sec. 16).

The provisions of the Industrial Schools Act, 1866, with regard to the contributions by parents, etc., towards the maintenance of children in industrial schools, and the orders for the enforcement of such contributions, are contained in secs. 39 & 40 of that Act, which are as follows:—

“The parent, step-parent, or other person for the time being legally liable to maintain a child detained in a certified industrial school shall, if of sufficient ability, contribute to his maintenance and training therein a sum not exceeding five shillings per week.

“On the complaint of the inspector of industrial schools, or of any agent of the inspector, or of any constable under the directions of the inspector (with which directions every constable is hereby required to comply), at any time during the detention of a child in a certified industrial school, two justices or a magistrate having jurisdiction at the place where the parent, step-parent, or other person liable as aforesaid resides may, on summons to the parent, step-parent, or other person liable as aforesaid, examine into his ability to maintain the child, and may, if they or he think fit, make an order or decree on him for the payment to the inspector or his agent of such weekly sum, not exceeding five shillings per week, as to them or him seems reasonable, during the whole or any part of the time for which the child is liable to be detained in the school.

“Every such order or decree may specify the time during which the payment is to be made, or may direct the payment to be made until further order.

“Every such payment, or a proper proportionate part thereof, shall go in relief of the charges on Her Majesty's Treasury, and the same shall be accounted for as the Commissioners of Her Majesty's Treasury direct, and where the amount of the payment ordered in respect of any child exceeds the amount contributed by the Commissioners of Her Majesty's Treasury in respect of that child, the balance shall be accounted for and paid to the managers of the school.

“The Secretary of State may, in his discretion, remit wholly or partially any payment so ordered.

“Two justices or a magistrate having jurisdiction to make such an order or decree may from time to time vary any such order or decree as circumstances require, on the application either of the person on whom such order or decree is made, or of the inspector of industrial schools, or his agent, on fourteen days' notice being first given of such application to the inspector or agent, or to such person respectively.”

Special provisions are made by this Act (see sec. 16) as to the contributions by parents in the case of children sent to a certified day industrial school.

*Duty of local authority as to taking proceedings
under this Act or 29 & 30 Vict. c. 118.*

13. Where the local authority are informed by any person of any child in their jurisdiction who is stated by that person to be liable to be ordered by a court under this Act to attend school, or to be sent under this Act, or the Industrial Schools Act, 1866, to an industrial school, it shall be the duty of the local authority to take proceedings under this Act or the Industrial Schools Act, 1866, accordingly, unless the local authority think that it is inexpedient to take such proceedings.

Provided that nothing in this section shall relieve the local authority from the responsibility of performing their duty under the other provisions of this Act.

As to the cases in which an order may be made for the attendance of a child at school, see sec. 11, and as to those in which a child may be sent to an industrial school under this Act, see sec. 12.

The classes of children who may, under the Industrial Schools Act, 1866, be sent to industrial schools are as follows:—

Any child apparently under the age of *fourteen years* who is brought before two justices or a magistrate and comes within any of the following descriptions:—(1) that is found begging or receiving alms (whether actually or under the pretext of selling or offering for sale anything), or being in any street or public place for the purpose of so begging or receiving alms; or (2) that is found wandering and not having any home or settled place of abode or proper guardianship or visible means of subsistence; or (3) that is found destitute, either being an orphan or having a surviving parent who is undergoing penal servitude or imprisonment; or (4) that frequents the company of reputed thieves.

Any child apparently under the age of *twelve years* who is charged before two justices or a magistrate with an offence punishable by imprisonment or a less punishment, but has not been convicted of felony.

Any child apparently under the age of *fourteen years* whose parent or step-parent or guardian represents to two justices or a magistrate that he is unable to control him, and that he desires that the child should be sent to an industrial school; and

Any child apparently under the age of *fourteen years*, maintained in a workhouse or pauper school, whom the board of guardians or board of management of the pauper school represent to two justices or a magistrate to be refractory, or to be the child of parents either

of whom has been convicted of a crime or offence punishable with penal servitude or imprisonment.

In every case the order must be made by the two justices or magistrate before whom the child is brought, or before whom the representation with regard to the child is made, and it is necessary that the justices or magistrate, as the case may be, should be satisfied that it is expedient to deal with the child by sending him to a certified industrial school.

The Prevention of Crime Act, 1871 (34 & 35 Vict., c. 112), further provides that : Where any woman is convicted of crime, and a previous conviction of a crime is proved against her, any children of such woman under the age of fourteen years who may be under her care and control at the time of her conviction for the last of such crimes, and who have no visible means of subsistence, or are without proper guardianship, shall be deemed to be children to whom in Great Britain the provisions of the Industrial Schools Act, 1866, apply, and the court by whom such woman is convicted, or two justices or a magistrate, shall have the power of ordering such children to be sent to a certified industrial school.

INDUSTRIAL SCHOOL.

License to child sent to industrial school to live out while attending school.

14. Where a child is sent to a certified industrial school under this Act or the Industrial Schools Act, 1866, upon the complaint or representation of the local authority under this Act, the managers of such school may, if they think fit, at any time after the expiration of one month after the child is so sent, give him a license under section twenty-seven of the Industrial Schools Act, 1866, to live out of the school, but the license shall be conditional upon the child attending as a day scholar, in such regular manner as is specified in the license, some school willing to receive him and named in the license, and being a certified efficient school.

Sec. 27 of the Industrial Schools Act, 1866, which is referred to in the above section, provides as follows :—

“The managers of a school may, at any time after the expiration of eighteen months of the period of detention allotted to a child, by licence under their hands, permit him to live with any

trustworthy and respectable person named in the licence, and willing to receive and take charge of him.

"Any licence so granted shall not be in force for more than three months, but may at any time before the expiration of those three months be renewed for a further period not exceeding three months, to commence from the expiration of the previous period of three months, and so from time to time until the period of the child's detention is expired.

"Any such licence may also be revoked at any time by the managers of the school by writing under their hands, and thereupon the child to whom the licence related may be required by them, by writing under their hands, to return to the school.

"The time during which a child is absent from a school in pursuance of a licence shall, except where such licence has been forfeited by his misconduct, be deemed to be part of the time of his detention in the school, and at the expiration of the time allowed by the licence he shall be taken back to the school.

"A child escaping from the person with whom he is placed under a licence, or refusing to return to the school on the revocation of his licence, or at the expiration of the time allowed thereby, shall be deemed to have escaped from the school."

It will be observed that this section of the Industrial Schools Act only admits of a licence being granted when *eighteen months* of the period of detention allotted to a child has expired, but under the present Act, so far as regards children sent to an industrial school upon the complaint or representation of a "local authority" (as defined by secs. 7 & 33), the licence may be granted at any time after the expiration of *one month* after the child is sent to the school.

*Amendment as to provision of industrial school
by school board.*

15. The consent of one of Her Majesty's Principal Secretaries of State, and not of the Education Department, shall be required for the establishing, building, and maintaining of a certified industrial or certified day industrial school by a school board, and to the spreading of the payment of the expense of such establishment and building over a number of years not exceeding fifty, and to the borrowing of money for that purpose; and for the purpose of such borrowing section ten of the Elementary Education Act, 1873, shall be held to apply to the loan in like manner as if one of Her Majesty's Principal Secretaries of State were substituted therein for the Education Department, and

such establishment and building shall be deemed to be a work for which a school board is authorised to borrow within the meaning of the first schedule to the Public Works Loans Act, 1875.

The Elementary Education Act, 1870, by sec. 28, provided as follows:—

“A School Board may, with the consent of the Education Department, establish, build, and maintain a certified industrial school within the meaning of the Industrial Schools Act, 1866, and shall for that purpose have the same powers as they have for the purpose of providing sufficient school accommodation for their district.”

Sec. 16 of this Act enacts that a School Board shall have the same powers in relation to a certified day industrial school as they have in relation to a certified industrial school.

When, therefore, it is proposed by a School Board to establish either a certified industrial school or a certified day industrial school, the sanction of the Secretary of State and not that of the Education Department must be obtained, and in like manner the sanction of the Secretary of State will be necessary when a loan is required for the establishment of the school.

As Sec. 10 of the Elementary Education Act, 1873, and the Public Works Loans Act, 1875, are to apply to loans for the provision of an industrial school by a School Board, the Public Works Loan Commissioners will be empowered, on the recommendation of the Secretary of State, to make advances for the purpose at interest at the rate of $3\frac{1}{4}$ per cent per annum, provided that the conditions of the last-mentioned Act have been complied with.

DAY INDUSTRIAL SCHOOL.

Establishment, &c., of day industrial school.

16. If a Secretary of State is satisfied that, owing to the circumstances of any class of population in any school district, a school in which industrial training, elementary education, and one or more meals a day, but not lodging, are provided for the children, is necessary or expedient for the proper training and control of the children of such class, he may, in like manner as under the Industrial Schools Act, 1866, certify any such school (in this Act referred to as a day industrial school) in the neighbourhood of the said population to be a certified day industrial school.

Any child authorised by the Industrial Schools Act, 1866, to be sent to a certified industrial school, may, if the court before whom the child is brought think it expedient, be sent to a certified day industrial school; any child sent to a certified day industrial school by an order of a court (other than an attendance order under this Act) may during the period specified in the order be there detained during such hours as may be authorised by the rules of the school approved by the said Secretary of State (1).

A certified day industrial school shall be deemed to be a certified efficient school within the meaning of this Act.

In the case of a certified day industrial school,—

- (1.) A prison authority within the meaning of the Industrial Schools Act, 1866, and a school board shall respectively have the same powers in relation to a certified day industrial school as they have in relation to a certified industrial school (2); and
- (2.) There may be contributed out of moneys provided by Parliament towards the custody, industrial training, elementary education, and meals of children sent by an order of a court other than an attendance order under this Act to a certified day industrial school such sums not exceeding one shilling per head per week, and on such conditions as a Secretary of State from time to time recommends (3); and
- (3.) Where a court of summary jurisdiction orders otherwise than by an attendance order under this Act a child to be sent to a certified day industrial school, the court shall also order the parent of such child, if liable to maintain him, to contribute to his industrial training, elementary education, and meals in the school such sum not exceeding two shil-

lings per week as is named in the order ; it shall be the duty of the local authority to obtain and enforce the said order, and every sum paid under the order, shall be paid over to the local authority in aid of their expenses under this Act ; if a parent resident in any parish is unable to pay the sum required by the said order to be paid, he shall apply to the guardians having jurisdiction in the parish, who, if satisfied of such inability, shall give the parent sufficient relief to pay the said sum, or so much thereof as they consider him unable to pay, and the money so given shall be charged to the parish as provided by this Act in the case of money given for the payment of school fees (4) ; and

- (4.) The managers of a certified day industrial school may, upon the request of a local authority and of the parent of a child, and upon the undertaking of the parent to pay towards the industrial training, elementary education, and meals of such child such sum, not less than one shilling a week, as a Secretary of State from time to time fixes, receive such child into the school under an attendance order or without an order of a court ; and there may be contributed out of moneys provided by Parliament in respect of that child such sum, not exceeding sixpence a week and on such conditions as a Secretary of State from time to time recommends.

It shall be lawful for Her Majesty from time to time, by Order in Council, to apply to a certified day industrial school the provisions of the Industrial Schools Act, 1866, and the Acts amending the same, with such modifications as appear to Her Majesty to be necessary or proper for adapting such provisions to

a day industrial school, and bringing them into conformity with this Act; and such order may provide that a child may be punished for an offence by being sent to a certified industrial in lieu of a certified reformatory school, or may otherwise mitigate any punishment imposed by the said Act.

It shall be lawful for Her Majesty from time to time, by Order in Council, to revoke and vary any Order in Council made under this section.

Every such Order shall be laid before both Houses of Parliament within one month after it is made, if Parliament be then sitting, or if not, within one month after the beginning of the then next session of Parliament, and while in force shall have effect as if it were enacted in this Act.

A Secretary of State may from time to time make, and when made revoke and vary, the forms of orders for sending a child to a day industrial school, and the manner in which children are to be sent to such school.

If a Secretary of State is of opinion that, by reason of a change of circumstances or otherwise, a certified day industrial school ceases to be necessary or expedient for the proper training and control of the children of any class of population in the neighbourhood of that school, he may, after due notice, withdraw the certificate of the school, and thereupon such school shall cease to be a certified day industrial school.

Provided, that the reasons for withdrawing such certificate shall be laid before both Houses of Parliament within one month after notice of the withdrawal is given, if Parliament be then sitting, or if not, within one month after the then next meeting of Parliament.

(1.) As to the classes of children who may be sent to a certified in-

dustrial school under the Industrial Schools Act, 1866, see note to sec. 13. An "attendance order" is defined by sec. 11.

(2.) As to the powers of School Boards and prison authorities to contribute towards the alteration, enlargement, or re-building of a certified industrial school, or towards the support of the inmates of such a school, or towards the management of such a school, or towards the establishment or building of a school intended to be a certified industrial school, or towards the purchase of land required either for the use of an existing certified industrial school, or for the site of a school intended to be a certified industrial school, and "themselves to undertake anything towards which they are authorised to contribute" in connection with a certified industrial school, see the 29 & 30 Vict., c. 118, s. 12; 33 & 34 Vict., c. 75, s. 27; 35 & 36 Vict., c. 21, secs. 7, 8, 9; 36 & 37 Vict., c. 86, s. 14; and the 37 & 38 Vict., c. 47, s. 2.

(3.) For definition of the term "attendance order," see Sec. 11.

(4.) As to the liability of parents, etc., to contribute for children in industrial schools, see Sec. 12. The orders under this sub-section will be obtained by the "local authority," as defined by secs. 7 & 33. When a parent is unable to pay the sum required by the order, the relief necessary to enable him to make the payment is to be given by the guardians of the union comprising the parish in which he resides, and not by the "local authority." There is no provision (as in sec. 10, with regard to the payment of school fees) that the parent shall not by reason of such payment be deprived of any franchise, or be subject to any disability or disqualification. The relief is to be charged to the parish in like manner as money given for the payment of school fees, as to which, see sec. 35.

Conditions of contribution to day industrial schools.

17. The conditions of a parliamentary contribution to a certified day industrial school, to be recommended by the Secretary of State, shall provide for the examination of the children according to the standards of proficiency for the time being in force for the purposes of a parliamentary grant to public elementary schools; but may vary the amounts of the contributions to be made in respect of such standards respectively.

Any conditions recommended by a Secretary of State for the purposes of contributions to a day industrial school shall be laid before Parliament in the same manner as minutes of the Education Department, relating to the annual parliamentary grant.

As to parliamentary contributions to a certified day industrial school, see sec. 16 (2) and (4).

The standards of proficiency prescribed by the code of the Education Department for the purpose of grants to public elementary schools are set forth in the appendix, p. 93.

PARLIAMENTARY GRANT.

Contribution for fees of children who obtain certificates.

18. Where, during the first five years after the commencement of this Act, or any further period which Her Majesty may from time to time fix by Order in Council, a child, before he has attained the age of eleven years, obtains such certificate of proficiency in reading, writing, and elementary arithmetic, and also such certificate of previous due attendance at a public elementary school, as are in this Act in that behalf mentioned, then, subject to the regulations and conditions contained in an order of the Education Department for the time being in force under the First Schedule to this Act, the school fee payable by such child at any public elementary school in the course of the three years next after he obtains the last of such certificates, not exceeding the ordinary fee charged at such school, may be paid by the Education Department out of moneys provided by Parliament, the school fees so paid to be reckoned as school pence to be met by the grant payable by the Department.

As to the date of the commencement of the Act, see sec. 3. The certificates of proficiency and due attendance at a public elementary school are provided for by sec. 24 and schedule 1, p. 68. As to definition of "public elementary school," see note to sec. 7.

Not more than ten per cent. of the children presented for examination in a public elementary school can be allowed to obtain in the same year certificates entitling them to the payment of fees under this section. If the children qualified to obtain these certificates exceed this percentage, those children who have attended the greatest number of times will have the preference. The fees are not to be paid by the Education Department unless the school or department of a

school which the child attends is one at which the ordinary payment in respect of the instruction of each scholar does not exceed sixpence a week (schedule 1, rules 8 & 10).

Amendment of 33 & 34 Vict. c. 75, s. 97, as to conditions of annual parliamentary grant.

19. So much of section ninety-seven of "The Elementary Education Act, 1870," as enacts that the conditions required to be fulfilled by an elementary school in order to obtain the annual parliamentary grant shall provide that the grant shall not for any year exceed the income of the school for that year which was derived from voluntary contributions and from school fees, and from any sources other than the parliamentary grant, shall be repealed as from the thirty-first day of March one thousand eight hundred and seventy-seven.

After the thirty-first day of March one thousand eight hundred and seventy-seven the conditions required to be fulfilled by an elementary school in order to obtain the annual parliamentary grant shall provide that—

- (1.) Such grant shall not in any year be reduced by reason of its excess above the income of the school if the grant do not exceed the amount of seventeen shillings and sixpence per child in average attendance at the school during that year, but shall not exceed that amount per child, except by the same sum by which the income of the school, derived from voluntary contributions, rates, school fees, endowments, and any source whatever other than the parliamentary grant exceeds the said amount per child (1); and
- (2.) Where the population of the school district in which the school is situate, or the population within two miles, measured according to the

nearest road, from the school is less than three hundred, and there is no other public elementary school recognised by the Education Department as available for the children of that district, or that population (as the case may be), a special parliamentary grant may be made annually to that school to the amount, if the said population exceeds two hundred, of ten pounds, and, if it does not exceed two hundred, of fifteen pounds (2); and

- (3.) The said special grant shall be in addition to the ordinary annual parliamentary grant, and shall not be included in the calculation of that grant for the purpose of determining whether it does or not exceed the amount before in this section mentioned.

(1) The following articles (23—27) of the new code show what is to be deemed the "average attendance at the school":—

"Attendance at a morning or afternoon meeting may not be reckoned for any scholar who has been under instruction in secular subjects less than two hours¹ if above, or one hour and a half² if under, seven years of age; nor attendance at an evening meeting for any scholar who has been under similar instruction less than one hour.

"Attendance of boys at military drill, under a competent instructor, or of girls at lessons in practical cookery, approved by the inspector, for not more than two hours a week, and forty hours in the year, may in a day school be counted as school attendance.

"Attendances may not be reckoned for any scholar in a day school under 3 or above 18, or, in an evening school, under 12 or above 21 years of age.

"The average number in attendance for any period is found by adding together the attendances of all the scholars for the same period, and dividing the sum by the number of times the school has met within the same period; the quotient is the average number in attendance.

"In calculating the average number in attendance, the attendances of half-time scholars reckon for no more than those of other scholars."

See sub-section 2 as to special grants.

- (2) The "school districts" constituted by the Education Act of

¹ This may include an interval of 15 minutes for recreation during a meeting of 8 hours, or of 5 to 10 minutes in a shorter meeting.

² Not including any time for recreation.

1870 are the metropolis; every borough, except Oxford, subject to the Municipal Corporations Act, 1835; the district of the local board of Oxford; and each parish not included in the metropolis or a municipal borough other than Oxford.

It has since been enacted by the 37 & 38 Vict., c. 39, that the borough of Wenlock shall not be deemed to be a borough, for the purposes of the Education Acts.

There are also the following exceptions:—1. When a parish is partly within and partly without a municipal borough, the part outside the borough is to be deemed a parish by itself, and consequently a separate school district (33 & 34 Vict., c. 75, sec. 77); and 2. Where a part of a parish is detached from the principal part of the parish, and the Education Department with the consent of the Local Government Board have so directed, each part of the parish is in like manner, for the purposes of the Education Acts, a separate parish and separate school district (36 & 37 Vict., c. 86, sec. 12).

When a united school district is formed, it is to be deemed a school district, and substituted for the school districts which are comprised in it (33 & 34 Vict., c. 75, sec. 40).

The population referred to in this sub-section would appear to be the population for the time being, and not that according to the last census.

Conditions for obtaining parliamentary grant.

20. The conditions required to be fulfilled by schools in order to obtain annual parliamentary grants shall provide that the income of the schools shall be applied only for the purpose of public elementary schools.

BYELAWS.

School attendance committee to have like powers with school boards of enforcing by byelaw attendance of children.

21. In a school district not within the jurisdiction of a school board, if it is a borough the school attendance committee may, if they think fit, and if it is a parish the school attendance committee for the union comprising such parish on the requisition of the parish, but not otherwise, shall make byelaws respecting the attendance of children at school under section seventy-four of the Elementary Education

Act, 1870, as if such school attendance committee were a school board.

For definition of the term "school district," see sec. 19, note 2.

As to appointment of the "School Attendance Committees," see secs. 7 & 33.

The requisition of the parish is provided for by sec. 22.

The provisions of sec. 74 of the Elementary Education Act, 1870, are appended to sec. 23.

It will be observed that in the case of a borough not under the jurisdiction of a School Board, it is optional with the School Attendance Committee whether or not they will make byelaws under the enactment referred to, and that in the case of a parish for which there is no School Board the School Attendance Committee must make byelaws, if so required by the parish, but that without such requisition they cannot do so even when they consider such byelaws desirable.

Provision as to requisition of parish.

22. The requisition of a parish to a school attendance committee for the purposes of this Act, if made, shall be made by a resolution passed by the same persons, and in the same manner, and subject to the same regulations of the Education Department, as a resolution for an application to the Education Department for a school board, and the expenses incurred with reference to such resolution may be paid in like manner.

The requisition may be accompanied by representations, made by a resolution passed in like manner, as to the nature of the byelaws desired by the parish, and in making and approving the byelaws the school attendance committee and the Education Department shall consider and have due regard to such representations.

The regulations of the Education Department as to a resolution for an application for a School Board in a parish will be found in the appendix (see p. 86). The regulations show by whom and in what manner such resolution is to be passed.

Byelaws which have recently been approved by the Education Department and confirmed by Orders in Council are given in the appendix (see p. 95), as they may be useful as precedents.

Provision as to byelaws under s. 74 of the Elementary Education Act, 1870 (33 & 34 Vict. c. 75), as extended by this Act.

23. For the purposes of this Act section seventy-four of the Elementary Education Act, 1870, and all enactments of that or any other Act referring to byelaws under that section, shall be construed as if "school board" included the authority authorised by this Act to make byelaws :

Provided, that nothing in any byelaw shall authorise the authority making the same in pursuance of this Act to remit or pay any fees.

It shall be the duty of every local authority to enforce the byelaws made by that authority in pursuance of section seventy-four of the Elementary Education Act, 1870.

The provisions in sec. 74 of the Elementary Education Act, 1870, with regard to byelaws, with the omission of the clause relating to the remission or payment of fees, are as follows :—

"Every School Board may from time to time, with the approval of the Education Department, make byelaws for all or any of the following purposes :—

(1.) Requiring the parents of children of such age, not less than five years nor more than thirteen years, as may be fixed by the byelaws, to cause such children (unless there is some reasonable excuse) to attend school.

(2.) Determining the time during which children are so to attend school ; provided that no such byelaw shall prevent the withdrawal of any child from any religious observance or instruction in religious subjects, or shall require any child to attend school on any day exclusively set apart for religious observance by the religious body to which his parent belongs, or shall be contrary to anything contained in any Act for regulating the education of children employed in labour.

(3.) Imposing penalties for the breach of any byelaws.

(4.) Revoking or altering any byelaw previously made.

"Provided that any byelaw under this section requiring a child between ten and thirteen years of age to attend school shall provide for the total or partial exemption of such child from the obligation to attend school, if one of Her Majesty's inspectors certifies that such child has reached a standard of education specified in such byelaw. Any of the following reasons shall be a reasonable excuse ; namely,—

(1.) That the child is under efficient instruction in some other manner.

(2.) That the child has been prevented from attending school by sickness or any unavoidable cause.

(3.) That there is no public elementary school open which the child can attend within such distance, not exceeding three miles, measured according to the nearest road from the residence of such child, as the byelaws may prescribe.

"The School Board, not less than one month before submitting any byelaw under this section for the approval of the Education Department, shall deposit a printed copy of the proposed byelaws at their office for inspection by any ratepayer, and supply a printed copy thereof gratis to any ratepayer, and shall publish a notice of such deposit.

"The Education Department, before approving of any byelaws, shall be satisfied that such deposit has been made and notice published, and shall cause such inquiry to be made in the school district as they think requisite.

"Any proceeding to enforce any byelaw may be taken, and any penalty for the breach of any byelaw may be recovered, in a summary manner; but no penalty imposed for the breach of any byelaw shall exceed such amount as with the costs will amount to five shillings for each offence, and such byelaws shall not come into operation until they have been sanctioned by Her Majesty in council.

"It shall be lawful for Her Majesty, by order in council, to sanction the said byelaws, and thereupon the same shall have effect as if they were enacted in this Act.

"All byelaws sanctioned by Her Majesty in council under this section shall be set out in an appendix to the annual report of the Education Department."

It will rest with the School Attendance Committee, subject to the approval of the Education Department, to determine, within the prescribed limits, at what ages children shall come within the operation of the byelaws, but they must consider and have due regard to any representation made by the parish on the subject under sec. 22. The limits specified in the section have been generally adopted by School Boards. In some few instances, however, the limits have been fixed at from five to ten years, in others at from five to eleven, or from five to twelve, and in others from six to thirteen.

The number of days' attendance will also be regulated by the byelaws in accordance with the circumstances of the district.

The byelaws may require the parents of children "to cause such children to attend school." Attendance at a "public elementary school" cannot be required if the child is under efficient instruction elsewhere.

The mode of publishing notice of the deposit of byelaws is prescribed by sec. 20 of the 36 & 37 Vict., c. 86, see note to sec. 34. The Committee of the Privy Council on Education, by an order made under the powers conferred by that section, and bearing date the 13th of August, 1875, directed that—

"From and after the date of the present order, the notice of deposit of byelaws under sec. 74 of the Elementary Education Act, 1870, shall be published only by advertisement in some one or more of the newspapers circulating in the district of the Board whose byelaws are so deposited."

If the Education Department require alterations to be made in the byelaws submitted to them, the altered byelaws must be deposited for the inspection of the ratepayers for not less than one month, notwithstanding that the byelaws originally proposed were so deposited. It is therefore found convenient to submit to the Education Department a draft of the proposed byelaws, prior to their being deposited, with the view of ascertaining whether the Department will be prepared to sanction them. When this is done, alterations can be made without the loss of a month.

The Education Department, before approving of byelaws, require to be furnished with a statutory declaration of the due deposit of the byelaws and of publication of the notice, together with a copy of the newspaper containing the advertisement.

ADMINISTRATIVE PROVISIONS.

Supplemental provisions as to certificates of proficiency and previous attendance at school.

24. The certificates of proficiency of a child in reading, writing, and elementary arithmetic, and of the previous due attendance of a child at a certified efficient school for the purposes of this Act, shall be certificates of proficiency and previous due attendance ascertained according to the standards set forth in the First Schedule to this Act, and such certificate shall be granted to the child entitled to the same free of cost or charge to such child, or to the parent of such child.

The Education Department may from time to time by order make, and when made revoke and vary, regulations with respect to certificates of age for the purposes of this Act and the persons by whom and the form in which certificates of the said proficiency and due attendance are to be granted, and with respect to other matters relating thereto, and with respect to the preservation of registers and other

records of such proficiency and attendance, and such regulations shall be observed by the local authority and the managers of certified efficient schools.

All regulations made by the Education Department under this section shall be laid before Parliament in the same manner as minutes of the Education Department, relating to the annual parliamentary grant.

The first schedule to the Act contains standards of proficiency in reading, writing, and elementary arithmetic, and previous due attendance at school, (1) for the purpose of employment (see sec. 5), and (2) for the purpose of the payment of fees (see sec. 18).

For definition of "certified efficient school," see sec. 48.

Certificates of birth for purposes of Act.

25. Where the age of any child is required to be ascertained or proved for the purposes of this Act, or for any purpose connected with the elementary education or employment in labour of such child, any person on presenting a written requisition in such form and containing such particulars as may be from time to time prescribed by the Local Government Board, and on payment of such fee, not exceeding one shilling, as the Local Government Board from time to time fix, shall be entitled to obtain a certified copy under the hand of the registrar or superintendent registrar of the entry in the register under the Births and Deaths Registration Acts, 1836 to 1874, of the birth of the child named in the requisition.

This section is in substitution for sec. 29 of the Registration of Births and Deaths Act, 1874 (37 & 38 Vict. c. 88), which is repealed by this Act. Under that section the certified copy of the entry in the Register of Births was to be given on payment of a fee of one shilling, and the delivery of a written requisition issued by "any School Board, or any managers appointed by a School Board, or any persons managing a public elementary school, or any of Her Majesty's Inspectors of Schools." Under the present Act the requisition may be made by "any person," and it will rest with the Local Government Board, to prescribe the fee to be paid in these cases, subject to the condition that the fee shall not exceed one shilling.

Returns of registrars of births and deaths to school boards.

26. Every registrar of births and deaths, when and as required by a local authority, shall transmit, by post or otherwise, a return of such of the particulars registered by him concerning deaths and births of children as may be specified in the requisition of the local authority.

The local authority may supply a form, approved by the Local Government Board, for the purpose of the return, and in that case the return shall be made in the form so supplied.

The local authority may pay, as part of their expenses under this Act to the registrar making such return, such fee as may be agreed upon between them and the registrar, not exceeding twopence for every birth and death entered in such return.

The "local authority" for the purposes of this section are School Boards and School Attendance Committees, as defined by secs. 7 & 33. This section appears intended chiefly to provide for those cases where the local authority deem it desirable that they should be regularly supplied with particulars of the several births and deaths registered by the registrar for the district; whilst sec. 25 meets the case where information is required as to the age of a particular child.

Provision in case of failure of local authority to perform their duty under this Act.

27. If the Education Department are satisfied, after such inquiry and such notice to any local authority as they think expedient, that such authority have failed to fulfil their duty under this Act, the Education Department (without prejudice to any other remedy) (1)—

- (a.) If the authority are a school board, may proceed as if such board were a school board in default within the meaning of the Elementary Education Act, 1870; and,

- (b.) If the authority are not a school board, may by order appoint any persons for a specified period not exceeding two years to perform the duty of the defaulting school attendance committee under this Act, and from time to time change such persons (2).

During the said specified period the persons so appointed shall perform the duty of the defaulting school attendance committee under this Act, to the exclusion of that committee, and shall in the performance and for the purposes of such duty be invested with all the powers of the school attendance committee, but shall not be subject to any control on the part of the council or guardians who appointed the defaulting committee; but after the expiration of such period a school attendance committee shall forthwith be appointed by the council or guardians, as the case may require, and shall resume the duty of the local authority under this Act, subject nevertheless to any further proceeding under this section in the case of a new default.

All expenses incurred by persons appointed under this section by the Education Department to act in lieu of a defaulting school attendance committee, including such remuneration (if any) as the Education Department may assign to such persons, shall, to the amount certified by the Education Department to be due, be a debt to Her Majesty from the council or guardians by whom the defaulting committee were appointed, and may be recovered accordingly; and the certificate of the Education Department shall be conclusive evidence that the sum named in the certificate is due under this section.

The Education Department shall annually report to Parliament the cases in which any proceedings have been taken by them in pursuance of this section.

- (1.) This section applies only to the default of a School Board or

a School Attendance Committee, as defined by secs. 7 & 33. Boards of guardians are not "local authorities" for the purposes of the Act, and consequently a default on their part would not be within the terms of this section.

(2.) When the Education Department have under the Elementary Education Act, 1870, declared a School Board to be "in default," they may appoint any number of persons, not less than five nor more than fifteen, to be members of the School Board; and on such appointment the persons who were previously members of the Board are to be deemed to have vacated their offices. The members thus appointed may be remunerated for their services out of the school fund. When the default has been remedied, the Education Department may, by order, direct that members shall be elected for the School Board as in the case of the first formation of the School Board, but until such order is made the members are to be appointed exclusively by the Education Department.

It is further provided that if in the opinion of the Education Department the School Board are in default, or are not properly performing their duties, they may, if they think fit, direct that the then existing members of the Board shall cease to hold office, and may order a new election for supplying the vacancies. See Education Act, 1870, secs. 63, 64 & 66.

It will be observed that when the Education Department appoint persons to discharge the duties of a defaulting local authority, they may assign to them remuneration for their services.

Officers of local authority.

28. Every local authority, but subject in the case of a school attendance committee to the approval hereinafter mentioned, shall direct one or more of their officers, or the officers of the council or guardians by whom the committee are appointed, to act in the execution of this Act, and of any byelaws in force within the jurisdiction of such authority, and may, if they think fit, pay him or them for so doing, and may, if need be, appoint and pay officers for the purpose.

From this section and sec. 31 it will be seen that a School Attendance Committee in a borough will not be empowered to appoint or pay officers without the approval of the Town Council. A School Attendance Committee in a parish will require, in the case of the employment or payment of an officer, the consent of the Local Government Board, as well as that of the guardians.

In a union, the clerk of the guardians will be the clerk of the School Attendance Committee by virtue of his office (see sec. 34).

With regard to the authority required to empower an officer to institute proceedings for non-attendance or irregular attendance at school, see sec. 38.

Power of officer of local authority to enter place of employment.

29. If it appear to any justice of the peace, on the complaint of an officer of the local authority acting under this Act, that there is reasonable cause to believe that a child is employed in contravention of this Act in any place, whether a building or not, such justice may by order under his hand empower an officer of the local authority to enter such place at any reasonable time within forty-eight hours from the date of the order, and examine such place and any person found therein touching the employment of any child therein.

Any person refusing admission to an officer authorised by an order under this section, or obstructing him in the discharge of his duty, shall for each offence be liable on summary conviction to a penalty not exceeding twenty pounds.

See secs. 5 & 47 as to the prohibition of the employment of children, and sec. 37 as to the enforcement of penalties.

Provision as to powers and expenses of school board.

30. The powers and expenses of a school board under this Act shall be deemed to be powers and expenses of that board under the Elementary Education Act, 1870, and the provisions of that Act and any Act amending the same shall apply thereto accordingly.

As to the expenses of a School Board under the Elementary Education Act, 1870, see secs. 53—56 of that Act. With regard to the expenses of a local authority other than a School Board under the present Act, see secs. 28 & 31.

Expenses of local authority other than school board.

31. A school attendance committee under this Act

shall not incur any expense, or appoint, employ, or pay any officer without the consent of the council or guardians by whom the committee were appointed, and where they are appointed by guardians, also of the Local Government Board, but with such consent may employ and pay any officer of such council or guardians (1). The expenses (if any) of a school attendance committee under this Act shall be paid,—

- (1.) Where the committee is appointed by a council, out of the borough fund or borough rate; and,
- (2.) Where the committee is appointed by a board of guardians, out of a fund to be raised out of the poor rate of the parishes in which the committee act for the purposes of this Act, according to the rateable value of each parish (2):

For the purpose of obtaining payment of such expenses, the board of guardians shall have the same powers as they have for the purpose of obtaining contributions to their common fund under the Acts relating to the relief of the poor.

(1.) A "School Attendance Committee" is defined by secs. 7 & 33. As to the employment and payment of officers, see also sec. 28.

(2.) The basis of the apportionment will be the rateable value according to the valuation lists in force for the time being, and when there is no such valuation list, according to the last Poor Rate.

In some cases the committee appointed by guardians will act for a part of a parish only, as when a parish is partly within and partly without a municipal borough. These cases are provided for by sec. 49.

For the purpose of obtaining payment of the expenses the guardians are to have the same powers as they have for the purpose of obtaining contributions to their common fund under the Poor Law Acts. As to these powers, see note to sec. 33.

As to the expenses of a School Attendance Committee appointed by an urban sanitary authority, other than the Town Council of a borough, see sec. 33.

Provisions as to school attendance committee and appointment of local committee.

32. Subject to the provisions of this Act the coun-

cil or guardians may from time to time add to or diminish the number of members of a school attendance committee appointed by them (1).

A school attendance committee appointed by guardians shall act for every parish in the union which is not for the time being under any other local authority within the meaning of this Act (2).

A school attendance committee may, if they think fit, appoint different local committees for different parishes or other areas in their district for the purpose of giving the school attendance committee such aid and information in the execution of this Act as may be required by the committee appointing them, but any such local committee shall not have power to make any byelaws or take any proceeding before a court of summary jurisdiction under this Act.

A local committee may consist of not less than three persons, being, as the school attendance committee appointing them think fit, either wholly members of the council, guardians, or authority by whom that school attendance committee were appointed, or partly such members and partly other persons.

The provisions contained in the Second Schedule to this Act shall apply to every school attendance committee and local committee appointed under this Act (3).

(1.) The power of the council or guardians to increase or diminish the number of members of a School Attendance Committee will be limited by the provision in sec. 7, that the committee shall consist of not less than six nor more than twelve members. See also the provision in sec. 33 as to the appointment of members of the committee by an urban sanitary authority in certain cases.

(2.) As to the places which are to be deemed to be parishes for the purposes of the Act, see sec. 49. With regard to the term "local authority," see secs. 7 & 33.

As to the tenure of office and the filling up of casual vacancies in a School Attendance Committee, see rules in schedule 2.

(3.) See rules in schedule 2 as to local committees, and their tenure of office.

Power to authorise appointment of school attendance committee by urban sanitary authority.

33. On the application of the urban sanitary authority of an urban sanitary district which is not and does not comprise a borough, and which is co-extensive with any parish or parishes not within the jurisdiction of a school board, containing according to the last published census for the time being a population of not less than five thousand, the Education Department may by order authorise the sanitary authority of that district to appoint, and thereupon such authority may appoint, a school attendance committee, as if they were the council of a borough, and that committee, to the exclusion of the school attendance committee appointed by the guardians, shall enforce the provisions of this Act in the sanitary district, and be in that district the local authority for the purposes of this Act, and all the provisions of this Act shall apply accordingly as if the sanitary authority were the council of a borough (1).

Provided, that the expenses (if any) of a school attendance committee appointed by an urban sanitary authority shall be paid out of a fund to be raised out of the poor rate of the parish or parishes comprised in the district of such authority, according to the rateable value of each parish, and the urban sanitary authority shall, for the purpose of obtaining payment of such expenses, have the same power as a board of guardians have for the purpose of obtaining contributions to their common fund under the Acts relating to the relief of the poor, and the accounts of such expenses shall be audited as the accounts of other expenses of the sanitary authority (2).

Any byelaws in force in an urban sanitary district, or any part thereof, before the appointment of a school attendance committee by the sanitary authority of such district shall continue in force, subject nevertheless to

be revoked or altered by the school attendance committee of the sanitary authority in pursuance of section seventy-four of the Elementary Education Act, 1870, as amended by this Act (3).

Where an urban sanitary district is not and does not comprise a borough, and is not wholly within the jurisdiction of a school board, and is not within the foregoing provisions of this section, the urban sanitary authority of that district may from time to time appoint such number as the Education Department allow, not exceeding three, of their own members to be members of the school attendance committee for the union in which the district or the part thereof not within the jurisdiction of a school board is situate, and such members, so long as they are members of the sanitary authority, and their appointment is not revoked by that authority, shall be members of the school attendance committee, and have the same powers and authorities as if they had been appointed by the guardians (4).

Where a school board is appointed after the commencement of this Act for any parish which forms or comprises the whole or part of an urban sanitary district in which the school attendance committee is appointed by the urban sanitary authority, such school attendance committee shall, at the expiration of two months after the election of the school board, cease to act for the urban sanitary district, and the school attendance committee appointed by the guardians shall be the local authority for so much of the urban sanitary district as is not under the school board.

All byelaws in force at the expiration of the said two months shall continue in force, subject to being revoked or altered by the local authority, in pursuance of section seventy-four of the Elementary Education Act, 1870, as amended by this Act (5).

(1.) This provision only applies to local boards and improvement commissioners acting as urban sanitary authorities under the Public

Health Act, 1875. To enable a local board or improvement commissioners to appoint a School Attendance Committee the following conditions must be fulfilled:—(1) The local board district or Improvement Act district must not include a municipal borough under the Municipal Corporations Act. (2) The district must be co-extensive with one or more parishes not under the jurisdiction of a School Board. (3) The district must have a population according to the last census of not less than 5,000; and (4) the appointment of a School Attendance Committee by the sanitary authority must have been authorised by an order of the Education Department. A School Attendance Committee, when thus appointed by a sanitary authority, will be in precisely the same position and have the same powers as a School Attendance Committee appointed by the council of a borough.

(2.) The order of a board of guardians for the purpose of obtaining the contribution of a parish to their common fund is addressed to the overseers of the parish, and requires the payment to the treasurer of the guardians of a certain sum on a certain day. Where the guardians deem it desirable the sum may be ordered to be paid by instalments on days to be specified in the order.

The order must be addressed to all the overseers (including the churchwardens, when they are ex-officio overseers) by name, but it is not necessary that the order should be served on more than one of them (12 & 13 Vict., c. 103, s. 7).

As regards the enforcement of a contribution order, the 2 & 3 Vict., c. 84 by sec. 1 provides that in every case in which any contribution by overseers or other officers of any parish of moneys required by the guardians, acting for such parish or for any union which shall include such parish, shall be in arrear, it shall be lawful for any two justices acting within the district wherein such parish shall be situate, on application under the hand of the chairman or acting chairman of the board, to summon the overseers or other officers to show cause, at a special sessions to be summoned for the purpose, why such contribution has not been paid, and after hearing the complaint preferred under the authority of such chairman or acting chairman, and on behalf of such board, if the justices at such sessions shall think fit, by warrant under their hands and seals, to cause the amount of the contribution so in arrear, together with the costs occasioned by such arrear, to be levied and recovered from the said overseers or other officers in like manner as moneys assessed for the relief of the poor may be levied and recovered, and the amount of such arrear, together with the costs as aforesaid, when levied and recovered to be paid to the said board. Provided always that no distress made under any such warrant of justices shall be replevisible.

See also 14 & 15 Vict., c. 105, s. 9, as to the jurisdiction of justices in these cases.

(3.) The provisions of sec. 74 of the Education Act, 1870, will be found in the note appended to sec. 23.

(4.) The urban sanitary districts to which this sub-section refers are the districts of local boards and improvement commissioners act-

ing as urban sanitary authorities under the Public Health Act, 1875. A local board district or improvement district will not come within the terms of this sub-section if it includes a municipal borough, or is wholly within the jurisdiction of a School Board, or is a district for which under the first clause of the section the sanitary authority might upon the order of the Education Department appoint a School Attendance Committee. With regard to a School Attendance Committee, appointed by the guardians, see sec. 7.

(5.) For provisions of sec. 74 of the Education Act, 1870, see note to sec. 23.

*Clerk of school attendance committee of guardians,
and application of Acts to guardians and school
attendance committee.*

34. In a union the clerk of the guardians shall be the clerk of the school attendance committee for the purposes of this Act (1).

All enactments relating to guardians and their officers and expenses, and to relief given by guardians, shall, subject to the express provisions of this Act, apply as if the guardians, including the school attendance committee appointed by them, and their officers acting under this Act, and expenses incurred, and money paid for school fees and relief given under this Act, were respectively acting, incurred, and paid and given as relief, under the Acts relating to the relief of the poor, and the Local Government Board may make rules, orders, and regulations accordingly.

Any expenses incurred by officers of guardians in carrying into effect section twenty of the Elementary Education Act, 1873, when paid by such guardians, may be charged by them to the parish in respect of which such expenses are incurred (2).

(1.) Under the Union Assessment Committee Act, 1862, the clerk or "assistant clerk" of the board of guardians is to act as the clerk to the assessment committee, and under the Public Health Act, 1875, the clerk to the guardians is to be clerk to the rural sanitary authority, with the proviso that if the clerk is unable or unwilling to undertake the additional duties, the assistant clerk of the union shall be appointed to discharge the same. Under the present Act, it would seem that the clerk to the guardians will have no alternative but to

act as the clerk of the School Attendance Committee, appointed by the guardians.

(2.) The 20th section of the Elementary Education Act, 1873, is as follows :—

“ Notices and other matters required by the Elementary Education Acts, 1870 and 1873, to be published shall, unless otherwise expressly provided, be published either by advertisement, and by affixing the same on the doors of churches and chapels, and other public places, or in such other manner as the Education Department may either generally or with respect to any particular district, place, or notice, or class of districts, places, or notices, by order determine, as being in their opinion sufficient for giving information to all persons interested; and all overseers, assistant overseers, and officers of guardians shall comply with the directions of the Education Department with respect to such notices, and any expenses incurred by them in carrying into effect this section may be paid as their expenses under the Acts relating to the relief of the poor.”

The provision now made as to the expenses incurred by officers of guardians under the above section will meet the question which has frequently arisen as to whether the expenses should be charged on the common fund of the union, or to the parish in respect of which the notices were published.

Charge to parish of money for school fees.

35. Money given under this Act for the payment of school fees for any child of a parent who is not a pauper and is resident in any parish shall be charged by the guardians having jurisdiction in such parish to that parish with other parochial charges.

Effect of subsequent appointment of school board.

36. Where a school board is appointed after the commencement of this Act for any school district, the authority acting at the time of such appointment as the local authority under this Act shall continue so to act until the expiration of two months after the election of such board, and shall then cease so to act for such district; nevertheless, all byelaws previously made by the local authority shall continue in force, subject to being revoked or altered in respect of that district by the school board in pursuance of section seventy-four of the Elementary Education Act, 1870.

The provisions of sec. 74 of the Education Act, 1870, are set forth in the note to sec. 23.

LEGAL PROCEEDINGS.

Application of 36 & 37 Vict. c. 86, ss. 23—5, to penalties and punishment for fraudulently obtaining payment of fees.

37. Sections twenty-three, twenty-four, and twenty-five of the Elementary Education Act, 1873 (which provisions relate to legal proceedings, and the forgery of certificates), shall so far as applicable apply in the case of offences and penalties under this Act, and proceedings for such offences and penalties and of certificates for the purposes of this Act, in like manner as if those sections were enacted in this Act and in terms made applicable thereto (1).

And every person who shall fraudulently obtain or enable or procure any other person to obtain from any school board or local authority payment, or remission of payment, or an order for payment, or remission of payment of any school fees, shall be liable on summary conviction to imprisonment for a period not exceeding fourteen days (2).

An order which a court of summary jurisdiction have authority to make in pursuance of this Act may be made in manner provided by the Summary Jurisdiction Acts (3).

(1) Secs. 23, 24, & 25 of the Elementary Education Act, 1873, are as follows:—

Sec. 23. "All offences and penalties under the principal Act or this Act, or any byelaw under the principal Act, which may be prosecuted or recovered on summary conviction, may be prosecuted and recovered in manner provided by the Summary Jurisdiction Acts.

"The Court of Summary Jurisdiction, when hearing and determining an information or complaint, shall be constituted either of two or more justices of the peace in petty sessions sitting at a place appointed for holding petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered

by law to do alone any act authorised to be done by more than one justice of the peace."

Sec. 24. With respect to proceedings before a court of summary jurisdiction for offences and penalties under the principal Act, or this Act, or any byelaw under the principal Act, the following provisions shall have effect :—

(1.) The description of the offence in the words of the Act or byelaw, or as near thereto as may be, shall be sufficient in law :

(2.) Any exception, exemption, proviso, excuse, or qualification, whether it does or not accompany the description of the offence in the Act or byelaw, may be proved by the defendant, but need not be specified or negatived in the information, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant :

(3.) In any proceeding for an offence under a byelaw, the court may, instead of inflicting a penalty, make an order directing that the child shall attend school, and that if he fail so to do, the person on whom such order is made shall pay a penalty not exceeding the penalty to which he is liable for failing to comply with the byelaw :

(4.) Any justice may require by summons any parent or employer of a child, required by a byelaw to attend school, to produce the child before a court of summary jurisdiction, and any person failing, without reasonable excuse to the satisfaction of the court, to comply with such summons shall be liable to a penalty not exceeding twenty shillings :

(5.) A certificate purporting to be under the hand of the principal teacher of a public elementary school, stating that a child is or is not attending such school, or stating the particulars of the attendance of a child at such school, or stating that a child has been certified by one of Her Majesty's inspectors to have reached a particular standard of education, shall be evidence of the facts stated in such certificate :

(6.) Where a child is apparently of the age alleged for the purposes of the proceeding, it shall lie on the defendant to prove that the child is not of such age :

(7.) If a child is attending an elementary school which is not a public elementary school, it shall lie on the defendant to show that the school is efficient, and the court, in considering whether any elementary school is efficient, shall have regard to the age of the child and to the standard of education corresponding to such age prescribed by the minutes of the Education Department for the time being in force with respect to the parliamentary grant :

(8.) Where a School Board are, by reason of the default of the managers or proprietor of an elementary school, unable to ascertain whether a child, who is resident within the district of such School Board and attends such school, attends school in conformity with a byelaw made by such School Board, it shall lie on the defendant to show that the child has attended school in conformity with the byelaw :

(9.) Any person may appear by any member of his family or any other person authorised by him in this behalf.

Sec. 25. Every person who forges or counterfeits any certificate which is by this Act made evidence of any matter, or gives or signs any such certificate which is to his knowledge false in any material particular, or, knowing any such certificate to be forged, counterfeit, or false, makes use thereof, shall be liable on summary conviction to imprisonment for a period not exceeding three months, with or without hard labour.

(3.) This provision, it will be observed, provides for cases where payment or remission of payment, or an order for payment or remission of payment of any school fees is fraudulently obtained from a School Board or "local authority." A "local authority" for the purposes of the Act is the School Attendance Committee provided for by secs. 7 & 33, but the School Attendance Committee are not empowered to pay or remit the payment of school fees. The guardians alone are authorised by the Act to pay the fees, whether of pauper or non-pauper children, and the guardians, it would seem, are not a "local authority" within the meaning of the statute.

(2.) The Summary Jurisdiction Acts are defined as meaning the 11 & 12 Vict., c. 43, inclusive of any amending Acts.

The term "Court of Summary Jurisdiction" means any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts.

No prosecutions except with the authority of two members of a school board, or local authority.

38. No legal proceedings for non-attendance or irregular attendance at school shall be commenced in a court of summary jurisdiction, by any person appointed to carry out the compulsory byelaws of a school board or local authority, except by the direction of not less than two members of a school board or school attendance committee.

Exemption of employer on proof of guilt of some other person.

39. Where the offence of taking a child into employment in contravention of this Act is in fact committed by an agent or workman of the employer, such agent or workman shall be liable to a penalty as if he were the employer.

Where a child is taken into employment in contra-

vention of this Act on the production by or with the privity of the parent of a false or forged certificate, or on the false representation of his parent that the child is of an age at which such employment is not in contravention of this Act, that parent shall be liable to a penalty not exceeding forty shillings.

Where an employer charged with taking a child into his employment in contravention of this Act proves that he has used due diligence to enforce the observance of this Act, and either that some agent or workman of his employed the child without his knowledge or consent, or that the child was employed either on the production of a forged or false certificate and under the belief in good faith in the genuineness and truth of such certificate, or on the representation by his parent that the child was of an age at which his employment would not be in contravention of this Act and under the belief in good faith in such representation, the employer shall be exempt from any penalty.

Where an employer satisfies the local authority, inspector, or other person about to institute a prosecution that he is exempt under this section by reason of some agent, workman, or parent being guilty, and gives all facilities in his power for proceeding against and convicting such agent, workman, or parent, such authority, inspector, or person shall institute proceedings against such agent, workman, or parent, and not against the employer.

The provisions in this Act regulating the employment of children are those contained in secs. 5 & 51.

MISCELLANEOUS.

Adaptation of 36 & 37 Vict., c. 86, s. 3, respecting pauper children to this Act.

40. Whereas by section three of the Elementary Education Act, 1873, provision is made respecting the

payment by guardians of the fees of pauper children, and with the view to adapt the said section to the provisions of this Act it is expedient to substitute for the said section the enactment following: Be it therefore enacted as follows:—

Where relief out of the workhouse is given by the guardians or their order, by way of weekly or other continuing allowance to the parent of any child above the age of five years who has not reached the standard in reading, writing, and arithmetic, prescribed by standard three of the code of one thousand eight hundred and seventy-six, or who for the time being either is prohibited by this Act from being taken into full time employment, or is required by any byelaw under section seventy-four of the Elementary Education Act, 1870, as amended by this Act, to attend school, or to any such child, it shall be a condition for the continuance of such relief that elementary education in reading, writing, and arithmetic shall be provided for such child, and the guardians shall give such further relief (if any) as may be necessary for that purpose (1).

Any such relief to a parent as above mentioned shall not be granted on condition of the child attending any public elementary school other than such as may be selected by the parent, nor refused because the child attends or does not attend any particular public elementary school (2).

The guardians shall not have power under this section to give any relief to a parent in order to enable such parent to pay more than the ordinary fee payable at the school which he selects, or more than the fee which under this Act they can enable a parent to pay in any other case (3).

All relief given by guardians under this section shall be deemed to be relief within the meaning of the Acts relating to the relief of the poor, and shall be paid out of their common fund, and where given by

the guardians of any union in the metropolis as defined by the Metropolitan Poor Act, 1867, shall be deemed to be expenses payable from the Metropolitan Common Poor Fund within the meaning of section sixty-nine of that Act, and shall be repaid to such guardians accordingly (4).

(1.) This section, it will be noticed, only brings within its provisions cases where relief "is given by the guardians or their order," and will not therefore apply to cases of "sickness or accident requiring relief by medical attendance," or cases "of sudden or urgent necessity" where the relieving-officer on his own discretion, between the meetings of the guardians, grants the relief that is required. Neither will it apply to cases where the relief is administered by the overseers. The relief, to bring the case within the terms of the section, must also be given "by way of weekly or other continuing allowance." The Local Government Board stated with reference to the corresponding provision in the Education Act, 1873, that "where relief is given by or on the order of the guardians by weekly allowances, or where relief is given by them or on their order for a period exceeding the interval between the ordinary meetings of the board of guardians, it appears to the board to be within the meaning of the Act."

For definition of the term "parent," see note to sec. 4. The term "child" is defined by sec. 48 as meaning a child between the ages of five and fourteen years. The section in the Education Act of 1873 only applied to children between the ages of five and thirteen.

The term "reached the standard" is interpreted by the Education Department as "meaning having passed the examination of the standard prescribed."

With regard to the evidence that may be accepted of a child having reached the Third Standard in the intervals between the visits of Her Majesty's inspector to the school, the Education Department have suggested that certificates may be granted (1) by any teacher of a school under the management of the guardians who holds a certificate of efficiency or competency granted by the Local Government Board, or (2) by any certificated teacher of a public elementary school in the union under the inspection of the Education Department.

For Standard Three, prescribed by the minute of the Education Department, see appendix, p. 93.

As to the children who are prohibited from being taken into full time employment, see secs. 5 and 51.

The provisions of sec. 74 of the Education Act, 1870, will be found in the note to sec. 23.

Relief given in contravention of this enactment will be illegal, and will consequently be liable to be disallowed by the auditor. The question, therefore, arises, what course is to be adopted by a relieving-officer in a case where relief has been ordered on the condition of the

children of the pauper attending school, and the children, without any reasonable excuse, have not so attended, and the relieving-officer is satisfied that the continuance of the relief is absolutely necessary? The Local Government Board stated, with reference to the Act of 1873, "that, if the relieving-officer finds that the children have not attended school during the week in accordance with the statute, he cannot lawfully give to the parent any further relief under the relief order of the guardians; but when the relief is discontinued, it will be competent for him, if the case is one of sudden or urgent necessity, to grant relief in kind to the pauper on his own discretion, as in other cases of sudden or urgent necessity." The case will then be reported by him to the guardians at their next meeting, for their directions.

(2.) For definition of "public elementary school," see note to sec. 7.

In some instances managers of public elementary schools have been unwilling to admit children whom the guardians proposed to send to their schools, on the ground of the children being unruly or of dirty habits, or for other similar reasons. One of the conditions of the payment of the parliamentary grant to a public elementary school is, that the Education Department shall be satisfied "that no child is refused admission to the school on other than reasonable grounds." In any case, therefore, in which the guardians consider that admission is improperly refused, the facts may be brought under the notice of the Education Department, in order that the question may be decided by them.

The guardians generally prefer paying the school fees direct to the school teacher instead of to the parent, in consequence of their fear that the amount may not unfrequently be misapplied. On this subject the Local Government Board have stated:—"As regards the payment of school fees, the following plan, which has been adopted by several Boards of Guardians, appears to them to be well calculated to give effect to the provisions of the Act. The relieving-officer of each district is supplied with tickets containing spaces for the insertion of the name of the child, the school selected for it, and the number of attendances. The name of the child and of the school is filled in by the relieving-officer, and the number of attendances by the schoolmaster, and certified by his signature. Each recipient of relief who has a child is supplied weekly with a ticket for the child, filled up by the relieving-officer (as before stated), and the ticket issued by the relieving-officer in the one week is returned to him signed by the schoolmaster in the following week, when, if necessary, a fresh ticket is given to the pauper in exchange for it. The relieving-officer keeps an account of the number of attendances, and certifies the correctness of the school bill when presented for payment at the end of each quarter, or half year, as the case may be, and the amount is then paid by the guardians direct to the schoolmaster. It must, however, be distinctly understood that the school for the child is to be selected by the parent and not by the Board of Guardians or the relieving-officer."

The Darlington guardians adopted this plan, and arranged to pay

the fees to the school managers at the end of each quarter. This arrangement was objected to by one of the guardians, who considered that it was invidious for the pauper children not to be provided with the school fees like other children, and that it caused the children needless annoyance. He contended that the guardians were bound to pay the money direct to the pauper, and an application was made at his instance to Mr. Justice Blackburn on the 27th July, 1874, for a writ of *certiorari* to remove the accounts of the guardians into the Court of Queen's Bench in order to test the validity of the payment of the school fees to the school managers. The learned judge, however, refused the writ, observing that he could not see what difference it made whether the money was paid to the school managers or to the parent. Subsequently, the district auditor having allowed in the accounts of the guardians the fees paid direct to the teachers of the schools, application was made, on behalf of the guardian referred to, to the Court of Queen's Bench for a rule calling on the auditor and the guardians to show cause why a writ of *certiorari* should not issue to bring up the school fees account, together with the allowance by the auditor and his reasons for the allowance. The Lord Chief Justice (Cockburn) said that all that the Act was passed to secure was, that where parents were in a condition of pauperism, and could not find the money to get their children educated, in order to insure the education of the children, the guardians should find the money necessary for that purpose. This might be done either by paying the money to the parents, or by paying the school fees for the children, as was done here; as to adopting the one course or the other, it was left in the discretion of the guardians under the particular circumstances of each case to do what they thought most beneficial. There may in this particular instance be no danger of diversion of the money to other purposes; but cases might arise where persons of bad character, and of bad habits and mode of life, might misapply the money given for the school fees. With regard to the alleged hardship on the children, it did not appear to be unjust that children who were the children of paupers should be looked upon as being in that position at school, just as they would be anywhere else. The rule was accordingly refused. *Re The Guardians of the Darlington Union*, 32 L. T., N. S. 320.

Cases have occasionally occurred in which the teachers of public elementary schools have declined to fill up the attendance cards, unless the guardians remunerated them for doing so. The Local Government Board have stated that they are not aware of any legal authority under which the guardians could allow the remuneration, if they were disposed to pay the teachers for this service. The Education Department have taken a view adverse to the claims of the teachers. They have said that they consider that "the teachers of public elementary schools may fairly be required to fill up the school cards with the names and attendances of children of out-door paupers for whom payment is made by the guardians, but not with the causes of non-attendance, which the teacher, as a rule, could not ascertain without personal inquiry at the house of the parent."

(3.) Under the Act of 1873 the maximum school fee which the guardians could pay was 2½d. per week, that is to say ¼d. for each of the ten attendances. The guardians may, under the present Act, pay the ordinary fee payable at the school not exceeding threepence per week.

As to the mode in which the school fees paid by the guardians are to be entered in the union accounts and the accounts of the relieving-officers, the Local Government Board have stated as follows:—"In cases where an order is made for the school fees to be paid to the parent by the relieving-officer, a separate entry, showing the amount granted for the educational relief, should be made, in his application and report book, and in the out-relief list. The amount so paid to the parent must be entered in the relief list as other money payments for relief. Whether the relieving-officer should distinguish this payment from the residue of the money is a question which the Board consider may properly be left to the determination of the guardians. If the relieving-officer pays it in this way out of the money advanced to him for relief, the Board do not see that a separate entry is required to be made in the ledger, though it may perhaps be an advantage if the amount be separately shown. If, however, the amount be paid by the relieving-officer or by the guardians to the schoolmaster or the school managers on a quarterly or other periodical account, a separate entry should be made in the ledger."

Although the guardians will not be empowered to pay as the school fee a sum beyond that specified, they will not be precluded from allowing additional relief to the parent when in consequence of the loss of earnings of a child through the child's attendance at school the relief previously allowed becomes insufficient for the necessities of the family; neither will the clause preclude their granting relief for the purpose of providing such clothing as may be proper for the child's attendance at school, when such relief is necessary.

(4.) The effect of this section, so far as the metropolis is concerned, is to make the cost of the relief given for the education of the children of out-door paupers a charge upon the entire metropolis instead of the particular union or parish in which the relief is administered. The charges upon the common poor fund, out of which the educational relief given by boards of guardians in the metropolis will be defrayed, are borne by the unions and parishes, including the Inns of Court and other places not under a board of guardians, in proportion to their annual rateable value.

Dissolution of school board under certain circumstances.

41. Where application for the dissolution of a school board is made to the Education Department by the like persons and in the like manner as an application for the formation of a school board, under section

twelve of the Elementary Education Act, 1870, nevertheless by a majority of not less than two-thirds of those who shall vote upon the occasion (1), and the Education Department are satisfied that no school and no site for a school is in the possession or under the control of the school board, and that there is a sufficient amount of public school accommodation for the district of the school board (2), and no requisition has been sent by the Education Department to such school board under section ten of the Elementary Education Act, 1870, requiring them to supply public school accommodation, it shall be the duty of the Education Department to take the circumstances of the case into consideration, and if they shall be of opinion that the maintenance of a school board is not required for the purposes of education in the district, it shall be lawful for the Education Department, after such notice as they think sufficient, to order the dissolution of the school board: Provided always, that no application shall be made for the dissolution of a school board except within six months before the expiration of the period for which the school board has been elected, and no order for the dissolution of such school board shall take effect until after the expiration of such period, except that after the order is made an election of members of that board shall not be held.

The Education Department by any such order shall make provision for the disposal of all money, furniture, books, documents, and property belonging to the school board, and for the discharge out of the local rate of all the liabilities of the board, and such other provisions as appear to the Department necessary or proper for carrying into effect the dissolution of the board.

The Education Department shall publish the order in manner directed by the Elementary Education Act, 1873, with respect to the publication of notices, and

after the date of such publication, or any later date mentioned in the order, the order shall have effect as if it were enacted by Parliament, without prejudice nevertheless to the subsequent formation of a school board in the same school district; all byelaws previously made by the school board shall continue in force, subject nevertheless to be revoked or altered by the local authority under this Act: Provided, that if after the dissolution of a school board in any school district the Education Department are of opinion that there is not a sufficient amount of public school accommodation in such school district, they may after due notice cause a school board to be formed for such school district, and send a requisition to such school board in the same manner in all respects as if they had published a final notice under the Elementary Education Act, 1870.

The Education Department shall in each case where it shall assent to the dissolution of a school board lay before both Houses of Parliament a statement of its reasons for giving such assent.

(1.) The application for the dissolution of a School Board, it will be observed, may be made by the like persons and in the same manner as an application for the formation of a School Board under sec. 12 of the Education Act, 1870, subject to the condition that there shall be a majority of not less than two-thirds of those voting on the occasion. Sec. 12 of the Act referred to provides that application for the formation of a School Board may be made "with respect to any school district by the persons who if there were a School Board in that district would elect the School Board, or, with respect to any borough, by the Town Council." There is a further provision that an application for the purposes of this section may be made by a resolution passed by the said electing body, after notice published at least a week previously, or by the council, and that the provisions of the second part of the second schedule to the Act with respect to the passing of such resolution shall be observed. The rules in the schedule referred to are to the following effect:—

1. The meeting of a council for the purpose of passing such a resolution shall be summoned in the manner in which a meeting of the council is ordinarily summoned, and the resolution shall be passed by a majority of the members present and voting on the question.

2. The resolution passed by the persons who would elect the School Board shall be passed in like manner, as near as may be, as that in which a member of the School Board is elected, with such necessary modifications as may be contained in any order issued by the Education Department in the matter.

The regulations issued by the Education Department with regard to applications by ratepayers for the formation of School Boards will be found in the appendix, p. 86.

(2.) "Public school accommodation" means accommodation in "public elementary schools." For definition of public elementary schools, see note to sec. 7. The Education Act of 1870, by sec. 5, requires that "there shall be provided for every school district a sufficient amount of accommodation in public elementary schools available for all the children resident in such district for whose elementary education efficient and suitable provision is not otherwise made."

In the case of a school giving efficient elementary education but not a "public elementary school," no part of the accommodation afforded by the school can be properly excluded from the estimate of the available school provision of the district, unless it can be shown that the accommodation is in excess of the wants of the denomination to which the school belongs.

It will be observed that it is not requisite that the school accommodation should be within the district, provided it is "available" for the children resident in the district.

With respect to the proportion of the population of a parish for which school accommodation should be provided, it is estimated as a general rule that the children of the class for which elementary school accommodation is required constitute one-sixth of the population. That rule was acted upon for many years in cases where building grants were made by the Education Department, and has generally been found not only theoretically but practically accurate. The rule is of course subject to modifications in districts where the circumstances are exceptional and the Education Department, in determining whether there is "efficient and suitable provision" in a particular district within the meaning of this section, are guided by the returns furnished and the reports of their inspectors.

When the actual population between the ages of three and thirteen has been ascertained, it is usual in determining the amount of school accommodation required to make a deduction of one-seventh, that being the estimated proportion of children of the middle and upper classes, and a further deduction of from 10 to 15 per cent., say $12\frac{1}{2}$ per cent., or one-eighth, in respect of children who will be absent from school for unavoidable causes.

It is usually estimated that the school accommodation should be in the proportion of three-fifths for children of above seven years of age and two-fifths for children less than that age.

As to the provision in the Education Act of 1873, with respect to the publication of notices, see note to sec. 34.

Provision of offices by school board with consent of Education Department.

42. Where a school board satisfy the Education Department that, having regard to the large population of the district of such board, it is necessary or proper that the board should provide an office, the Education Department may authorise the board to provide an office, and the board shall for that purpose have the same power as they have under the Elementary Education Acts, 1870 to 1873, for the purpose of providing sufficient school accommodation for their district, including the power of borrowing money under section ten of the Elementary Education Act, 1873, and the provision of such office shall be deemed to be a work for which a school board is authorised to borrow within the meaning of the Public Works Loans Act, 1875.

Some inconvenience has been occasioned in certain populous School Board districts, in consequence of there having been no power vested in the School Board to erect an office. In the case of the School Board of London it was requisite to obtain a special Act to empower the School Board to erect the necessary buildings. This difficulty will now be removed. The School Boards will be empowered, with the sanction of the Education Department, to provide offices by "building or otherwise," and to borrow for the purpose. When the requirements of the Public Works Loans Act have been complied with, and the recommendation of the Education Department has been obtained, the Public Works Loan Commissioners may advance the amount required in like manner as in the case of a school, at interest at the rate of $3\frac{1}{2}$ per cent. per annum.

Local authority to send returns.

43. The local authority under this Act (although not a school board) shall send to the Education Department such returns and information respecting their proceedings under this Act, and respecting matters on which school boards can be required under the Elementary Education Act, 1870, to make returns, as the Education Department from time to time require.

The Education Act, 1870, by sec. 95 enacts that "every School Board shall make such report and returns and give such information to the Education Department as the department may from time to time require."

Amendment of 33 & 34 Vict., c. 75, as to elections to fill casual vacancies in school board.

44. From and after the passing of this Act the Elementary Education Act, 1870, shall be construed as if there were substituted for the rule numbered fifteen in the first part of the second schedule to that Act, which is repealed by this Act, the rule in the third schedule to this Act; and any reference to the said second schedule or the first part thereof shall be construed to refer to the same with the rule so substituted, but the said substitution shall not affect anything done before the passing of this Act.

This is the only clause in the Act which takes effect at once. The rule which is now repealed provided that in the case of a casual vacancy in the office of member of a School Board, occurring by death, disqualification, or otherwise, the election to supply the vacancy should be by the ratepayers of the parish, or the burgesses of the borough, as the case might be. For the substituted provision, see page 72.

Application of 33 & 34 Vict., c. 75, ss. 83, 84, to orders and documents of Education Department.

45. The provisions of the Elementary Education Act, 1870, with respect to orders and documents of the Education Department, shall apply to all orders and documents of the Education Department under this Act.

The Education Act of 1870, by sec. 83, provides as follows:—

"All orders, minutes, certificates, notices, requisitions, and documents of the Education Department, if purporting to be signed by some secretary or assistant secretary of the Education Department, shall, until the contrary is proved, be deemed to have been so signed and to have been made by the Education Department, and may be proved by the production of a copy thereof purporting to have been so signed."

The Documentary Evidence Act, 1868, shall apply to the Education

Department in like manner as if the Education Department were mentioned in the first column of the schedule to that Act, and any member of the Education Department, or any secretary or assistant secretary of the Education Department, were mentioned in the second column of that schedule.

By the Documentary Evidence Act, 1868, *prima facie* evidence of any order or regulation issued by the Privy Council, or by or under the authority of any such department of the Government or officer, as is mentioned in the first column of the schedule to the Act, may be given in all courts of justice, and in all legal proceedings, by the production—

(1) of the *London Gazette* containing a copy of the order or regulation; or

(2) of a copy of the order or regulation purporting to be printed by the Government printer; or,

(3) in the case of an order or regulation issued by the Privy Council, of a copy or extract purporting to be certified to be true by the clerk of the Privy Council, or by some one of the lords or others of the Privy Council, and in the case of any order or regulation issued by or under the authority of any of the departments or officers above referred to, of a copy or extract purporting to be certified to be true by the person or persons specified in the second column of the schedule in connection with such department or officer.

No proof is to be required of the handwriting or official position of any person certifying, in pursuance of the Act, to the truth of any copy of or extract from an order or regulation.

The 84th section of the Education Act, 1870, contains the following further provision :—

“After the expiration of three months from the date of any order or requisition of the Education Department under this Act, such order or requisition shall be presumed to have been duly made, and to be within the powers of this Act, and no objection to the legality thereof shall be entertained in any legal proceeding whatever.

Effect of schedules.

46. The schedules to this Act shall have effect as if they were enacted in the body of this Act.

Definition of employment in case of parent.

47. A parent of a child who employs such child in any labour exercised by way of trade, or for the purposes of gain, shall be deemed for the purposes of this Act to take such child into his employment.

As to the prohibition of the employment of children, see secs. 5, 6, 9, and 51.

General definitions.

48. A child in this Act means a child between the ages of five and fourteen years.

Terms in this Act shall, so far as is consistent with the tenor thereof, have the same meaning as in the Elementary Education Acts, 1870 and 1873.

The term "certified efficient school" in this Act means a public elementary school, and any workhouse school certified to be efficient by the Local Government Board, and any public or state-aided elementary school in Scotland, and any national school in Ireland, and also any elementary school which is not conducted for private profit, and is open at all reasonable times to the inspection of Her Majesty's Inspectors, and requires the like attendance from its scholars as is required in a public elementary school, and keeps such registers of those attendances as may be for the time being required by the Education Department, and is certified by the Education Department to be an efficient school.

The term "Factory Acts" in this Act, where the Factory Act of any particular year is not referred to, means the Factory Acts, 1833 to 1874, as amended by this Act, and includes the Workshop Acts, 1867 to 1871, as amended by this Act, and any Acts for the time being in force regulating factories and workshops.

The term "Secretary of State" means one of Her Majesty's Principal Secretaries of State.

For definition of "public elementary school," see note to sec. 7.
As to Factory Acts, see sec. 8 and p. 74.

Provision as to part of a parish.

49. A part of a parish which by or in pursuance of the Elementary Education Acts, 1870 and 1873, is constituted a separate school district shall be deemed to be a separate school district, and so far as necessary a separate parish by itself for the purposes of this Act, and the provisions of those Acts respecting such part

of a parish shall apply, and for the purposes of those Acts and this Act the overseers of the entire parish shall be deemed to be the overseers of such part of a parish, and a rate in the nature of a poor rate may be levied therein by such overseers either as a separate rate or as an addition to the poor rate, and shall be deemed to be the local rate; and the guardians shall for the purposes of this Act have the like power of obtaining payment of a contribution from the said part of a parish as they have of obtaining a contribution from the whole parish.

As to the cases in which part of a parish is to be deemed to be a separate school district, see note to sec. 34.

Construction of this Act with other enactments.

50. Where any act, neglect, or default is punishable under this Act and also under any other enactment, or any byelaw made by a school board or other local authority for the time being in force, proceedings may be instituted in respect of such act, neglect, or default under this Act or such other enactment or byelaw, in the discretion of the authority or person instituting the proceedings, so that proceedings under one enactment or byelaw only be instituted in respect of the same act, neglect, or default; and any byelaw made either before or after the commencement of this Act, by any school board or other local authority under section seventy-four of the Elementary Education Act, 1870, if otherwise valid, shall not be rendered invalid by reason that it is more stringent than the provisions of this Act; and nothing in this Act shall prejudice the effect of or derogate from any provision relating to the committal of children to industrial schools or the employment of children contained in any previous Act of Parliament which may be more stringent in its provisions than this Act.

As to the Factory Acts, see note to sec. 8 and p. 74.

Temporary modification as to application of Act, and saving for children in employment at passing of Act.

51. The provisions of this Act with respect to taking children into employment,

- (1.) Shall, during twelve months after the commencement of this Act, apply to children of the age of nine years and upwards as if they were of the age of ten years and upwards; and,
- (2.) Shall not apply to any child who has attained the age of eleven years before the commencement of this Act.

A child lawfully employed at the passing of this Act may continue to be employed or may obtain fresh employment at another place in like manner as if this Act had not passed.

As to the regulations with regard to the employment of children, see sec. 5.

Repeal of Acts.

52. The Acts mentioned in the fourth schedule to this Act are hereby repealed as from the commencement of this Act, to the extent in the third column of that schedule mentioned.

The repeal of any enactment by this Act shall not affect anything previously done or suffered in pursuance of that enactment, and every offence against that enactment may be prosecuted, and any penalty thereunder recovered and any remedy or legal proceeding for anything done in pursuance of that enactment may be had and carried on in like manner as if this Act had not passed.

PART II.

Application of the Act to Scotland.

53. In the application of this Act to Scotland the following provision shall have effect :

The provisions of this Act, with respect to the conditions to be fulfilled by schools in order to obtain an annual parliamentary grant, shall apply to Scotland.

SCHEDULES.

FIRST SCHEDULE.

STANDARDS OF PROFICIENCY IN READING, WRITING, AND ELEMENTARY ARITHMETIC AND PREVIOUS DUE ATTENDANCE AT SCHOOL.

FOR THE PURPOSE OF EMPLOYMENT.¹

(1.) The standard of proficiency in reading, writing, and elementary arithmetic for the purpose of a certificate under this Act enabling a child to be employed shall be—

(a.) The standard of reading, writing, and elementary arithmetic fixed by standard four of the Code of 1876, or any higher standard (1).

Standard four of the code of 1876 will be found in the appendix, p. 93.

(2.) The standard of previous due attendance at a certified efficient school for the purpose of a certificate under this Act enabling a child to be employed shall be two hundred and fifty attendances after five years of age in not more than two schools during each year for five years, whether consecutive or not :

As to definition of "attendances," see note to sec. 19, and rule 11 of schedule.

For definition of "certified efficient school," see sec. 48.

(3.) During the four years next after the commencement of this Act the standards for the purpose of

¹ As to the provisions with reference to standards of proficiency in reading, writing, and arithmetic, for the purpose of employment, see sec. 5.

enabling a child to be employed shall, instead of the foregoing standards, be those shown in the following table :

| During the Year | The Standard of Proficiency shall be the Standard of Reading, Writing, and Arithmetic, fixed by the following Standard of the Code of 1876, or any higher standard, namely,— | The Standard of previous due Attendance shall be | |
|-----------------|--|--|--|
| | | The following Number of Attendances. | In not more than Two Schools during each year for the following Number of Years, whether consecutive or not. |
| 1877 | Second - - - | 250 | Two. |
| 1878 | Second - - - | 250 | Two. |
| 1879 | Third - - - | 250 | Three. |
| 1880 | Third - - - | 250 | Four. |

Provided that—

- (a.) In the case of a school district in which for not less than three years before the commencement of this Act byelaws have been in force requiring, as a condition of total or partial exemption of a child from attendance at school, that such child must have passed a standard of proficiency corresponding to the fourth standard of the Code of 1876, or any higher standard, the same or a corresponding standard of proficiency (but not exceeding the standard which, under this schedule, will be required after four years from the commencement of this Act) shall be required for the purpose of a certificate under this Act enabling a child to be employed.

For standards two and three and four of the code of 1876, see appendix, p. 93.

For date of commencement of Act, see sec. 3.

- (b.) Where a child has been lawfully taken into employment in any year in consequence of having obtained a certificate in accordance with the above table, such child may in any subsequent year be taken into employment without any further certificate, notwithstanding that under the Table a certificate requiring a higher standard is required for that year.

FOR THE PURPOSE OF THE PAYMENT OF FEES.¹

(4.) The standard of proficiency in reading, writing, and elementary arithmetic for the purpose of a certificate under this Act, with a view to allow of the payment of fees by the Education Department, shall be the standard of reading, writing, and elementary arithmetic fixed by standard four of the Code of 1876, or such higher standard as may be from time to time fixed by the Education Department, and shall include any standard higher than the one fixed by this rule, or than the one for the time being fixed by the Education Department:

Standard four of the code of 1876 will be found in the appendix, p. 93.

(5.) The standard of previous due attendance at a public elementary school for the purpose of a certificate under this Act, with a view to allow of the payment of fees by the Education Department, shall be three hundred and fifty attendances after five years of age in not more than two schools during each year for five years, or such larger number of attendances as may be for the time being fixed by the Education Department.

As to definition of "attendances," see note to sec. 19, and rule 11 of schedule.

For definition of "public elementary school," see note to sec. 7.

¹ As to the provisions with reference to standards for the purpose of the payment of fees, see sec. 18.

(6.) Provided that in each of the four years next after the commencement of this Act the standard of previous due attendance shall, in lieu of the foregoing standard, be that shown in the following table :

| During the Year. | The Standard of previous due Attendance shall be | |
|------------------|--|--|
| | The following Number of Attendances. | In not more than Two Schools during each year for the following Number of Years. |
| 1877 | 350 | Two. |
| 1878 | 350 | Two. |
| 1879 | 350 | Three. |
| 1880 | 350 | Four. |

(7.) The education Department may from time to time by order make, and when made revoke and vary, such regulations and conditions in relation to the payment of fees under this Act by that Department as they may think expedient.

(8.) The order shall provide that not more than ten per cent. of the children presented for examination in a public elementary school shall obtain in the same year certificates entitling them to the payment of fees, and that if the children qualified to obtain such certificates exceed the said per-centage, those children who have attended the greatest number of times shall have the preference.

(9.) The order may make the continuance of the payment dependent upon the fulfilment of conditions, and shall provide that the continuance of the payment shall be conditional upon the child attending the school for not less than three hundred and fifty attendances in each year, and obtaining at the end of each year a certificate of proficiency in reading, writing, and elementary arithmetic according to a standard higher than

the standard according to which it obtained the previous certificate.

(10.) The order shall further provide that the school, by previous due attendance at which the child was qualified for obtaining the payment of fees, and the school, the fees at which are paid by the Education Department, shall be a school or department of a school, at which the ordinary payment in respect of the instruction of each scholar does not exceed sixpence a week.

MISCELLANEOUS.

(11.) Attendance for the purpose of this schedule means an attendance as defined by the Code of 1876, and where the attendance is at a certified day industrial school includes such attendance as may be from time to time directed for the purpose by a Secretary of State, and where the attendance is at a workhouse school includes such attendance as may be from time to time directed for the purpose by the Local Government Board.

As to provision of code as to "attendances," see p. 29.

(12.) The Code of 1876 in this schedule means the Code of the Minutes of the Education Department made in the year one thousand eight hundred and seventy-six with respect to the parliamentary grant to public elementary schools in England, and in the case of a school in Scotland means the Code of the Minutes of the Scotch Education Department made in the year one thousand eight hundred and seventy-six with respect to the parliamentary grant to elementary schools.

SECOND SCHEDULE.

RULES AS TO A LOCAL COMMITTEE.

(1.) Subject to the provisions of this Act, the school attendance committee may from time to time add to or diminish the number of members, or change the members of any local committee appointed by them, or may dissolve any such committee.

For provisions of the Act as to appointment of local committees, see sec. 32.

(2.) A local committee shall, unless the school attendance committee appointing them otherwise direct, continue in office until the first meeting of that committee after the next annual appointment thereof, and thereafter until a new local committee is appointed.

RULES AS TO SCHOOL ATTENDANCE COMMITTEE AND LOCAL COMMITTEE.

(3.) Subject to any regulations made in the case of a school attendance committee by the council or guardians appointing it, and in the case of a local committee by the school attendance committee appointing it, the provisions of the third schedule of the Elementary Education Act, 1870, with reference to proceedings of managers appointed by a school board, shall apply to the proceedings of a school attendance committee and a local committee under this Act, as if the body appointing the committee were a school board.

The provisions referred to in the third schedule of the Education Act, 1870, are as follows :—

The managers may elect a chairman of their meetings. If no such chairman is elected, or if the chairman elected is not present at the time appointed for holding the same, the members present shall choose one of their number to be chairman of such meeting. The managers may meet and adjourn as they think proper. The quorum

of the managers shall consist of such number of members as may be prescribed by the School Board that appointed them, or, if no number be prescribed, of three members. Every question at a meeting shall be determined by a majority of votes of the members present and voting on that question, and in case of an equal division of votes the chairman shall have a second or casting vote.

The proceedings of the managers shall not be invalidated by any vacancy or vacancies in their number.

(4.) Any casual vacancy in a school attendance committee or local committee may be filled up by the body who appointed such committee.

(5.) A school attendance committee shall continue in office until the first meeting of the council or guardians appointing it after the next annual election of councillors and guardians, and thereafter until the new committee is appointed.

(6.) A committee appointed by guardians shall be appointed at the first meeting after the annual election of guardians, or some other meeting fixed with the approval of the Local Government Board for the purpose.

THIRD SCHEDULE.

RULE AS TO ELECTION OF SCHOOL BOARD.

If any casual vacancy in the office of a member of a school board occurs by death, resignation, disqualification, or otherwise, such vacancy may be filled by the remaining members of the school board, if a quorum at a special meeting of the board called for the purpose.

It would appear that a casual vacancy which occurred prior to the passing of this Act, and which at that date had not been filled up by an election by ratepayers or burgesses, would come within the operation of this rule. But according to Rule 2 of Schedule III. of the Education Act, 1873, an election to fill a casual vacancy can only be held on the day in the year appointed or prescribed for the election of members, unless the Education Department direct an election in consequence of the number of members being reduced to less than that required for a quorum.

FOURTH SCHEDULE.

ACTS REPEALED.

| Session and Chapter. | Short Title. | Extent of Repeal. |
|----------------------|---|--|
| 30 & 31 Vict. c. 146 | The Workshop Regulation Act, 1867. | Sections 14 and 15. |
| 33 & 34 Vict. c. 75 | The Elementary Education Act, 1870. | Section twenty-five, so much of section seventy-four and of any bylaw made thereunder as is affected by the repeal of section twenty-five, and the rule numbered fifteen in the first part of the second schedule, and the rule numbered six in the third part of the second schedule. |
| 36 & 37 Vict. c. 67 | The Agricultural Children Act, 1873. | The whole Act. |
| 36 & 37 Vict. c. 86 | The Elementary Education Act, 1873. | Section three. |
| 37 & 38 Vict. c. 88 | The Births and Deaths Registration Act, 1874. | Section twenty-nine. |

APPENDIX.

FACTORY AND WORKSHOP ACTS.

The Education Act, 1876, by sec. 7, provides that with the exception therein mentioned sections 31, 38, & 39 of the Factory Act of 1844, and sections 12 & 15 of the Factory Act of 1874, shall apply to the education of all children employed in factories subject to the Factory Acts, 1833 to 1871, and not subject to the Factory Act, 1874, or in workshops subject to the Workshops Acts, 1867 to 1871.

The provisions of the sections referred to are as follows:—

The Factory Act of 1844, by sec. 31, enacts, with respect to *children employed on alternate days*, that "The parent or person having direct benefit from the wages of any child" (*i.e.*, a child under the age of thirteen years) "so employed" (on three alternate days of the week) "shall cause such child to attend some school for at least five hours between the hours of eight of the clock in the morning and six of the clock in the afternoon of the same day on each week day preceding each day of employment in the factory, unless such preceding day shall be a Saturday, when no school attendance of such child shall be required: Provided also, that on Monday in every week after that in which such child began to work in the factory, or any other day appointed for that purpose by the inspector of the district, the occupier of the factory shall obtain a certificate from a schoolmaster, according to the form and directions given in the schedule (A) to this Act annexed, that such child has attended school as required by this Act."

Sec. 38 enacts with respect to *children employed otherwise than on alternate days*, that, "Save as herein otherwise provided, the parent or person having any direct benefit from the wages of any child" (*i.e.*, a child under thirteen years of age) "employed in a factory, shall cause such child to attend some school on the day after the first employment of such

child, and thenceforth on each working day of every week during any part of which the said child shall continue in such employment; so that on every such day, except in the cases hereinafter provided, such child shall attend school during at least three hours after the hour of eight of the clock in the morning and before the hour of six of the clock in the evening: Provided always, that any child attending school after one of the clock in the afternoon shall not be required to remain in school more than two hours and a half on any one day between the first day of November and the last day of February, and no child shall be required to attend school on any Saturday, and the non-attendance of every such child shall be excused on every day on which such child shall be certified by the schoolmaster to have been prevented by sickness or other unavoidable cause from attending the school, and during any holiday or half-holiday authorised by this Act, or by consent in writing of the inspector of the district in which the factory is situated, or, where the school-room is situated within the outer boundary of the factory at which such child is employed, on every day on which the school shall be closed in consequence of the said factory ceasing to be at work during the whole day."

Sec. 39 provides, with regard to school certificates and payment of school fees: "That no schoolmaster's tickets or vouchers shall be required or valid other than is hereinafter provided, and that the occupier of every factory in which a child is employed shall on Monday in every week after the first week in which such child began to work in the factory, or on any other day appointed for that purpose by an inspector, obtain a certificate from a schoolmaster, according to the form and directions given in the schedule (A) to this Act annexed, that such child has attended school as required by this Act during the foregone week.

"And such occupier shall keep such certificate for six months after the date thereof, and shall produce the same to any inspector or sub-inspector when required during such period, and shall, when required by the inspector for the district, pay to the schoolmaster of such child, or to such other person as the said inspector may direct, towards the expenses of educating such child, such sum as the inspector

may require, not exceeding twopence per week, and shall be entitled to deduct from the wages payable to such child any such sum as he shall have been required to pay for such expenses, not exceeding the rate of one-twelfth part of the weekly wages of such child :

“ Provided always, that if an inspector, on his personal examination or on the report of a sub-inspector, shall be of opinion that any schoolmaster who grants certificates of the school attendance of children employed in a factory is unfit to instruct children, by reason of his incapacity to teach them to read and write, from his gross ignorance, or from his not having the books and materials necessary to teach them reading and writing, or because of his immoral conduct, or of his continued neglect to fill up and sign the certificates of school attendance required by this Act, the inspector of the district may annul any certificate granted by such disqualified schoolmaster, by a notice in writing addressed to the occupier of the factory in which the children named in the certificate are employed, or his principal agent, setting forth the grounds on which he deems such schoolmaster to be unfit ; and after the date of such notice no certificate of school attendance granted by such schoolmaster shall be valid for the purposes of this Act, unless with the consent in writing of the inspector of the district ; but no inspector shall annul any such certificate unless in the aforesaid notice he shall name some other school situated within two miles of the factory where the children named in the certificate are employed :—

“ Provided also, that any schoolmaster whose certificate shall have been annulled, or the occupier of the factory in which the children named in the said certificate are employed on behalf of the schoolmaster, may appeal to the Secretary of State against such decisions of the inspector, and the Secretary of State may, if he think fit, rescind such decision :

“ Provided also, that every inspector shall in his annual report to the Secretary of State for the Home Department state the instances (if any) in which he shall have had occasion to annul any such certificate, together with the reasons which he has in each case assigned for so doing.”

SCHOOL CERTIFICATE.

The following is the form of certificate given in schedule A :—

“ I HEREBY certify, that the under-mentioned child [*or*
children] employed in the factory of _____ situated in _____
has [*or have*] attended the school kept by me at _____
for the number of hours and at the time on each
day specified in the columns opposite to his [*her or their*]
name [*or names*] during the week ending on Saturday the _____
day of _____ one thousand eight hundred and _____
, and that the causes of absence stated are true, to
the best of my belief.

[illegible]

(Signed)

the

Schoolmaster [*or* Schoolmistress].

day of

18 .

"Under the column headed 'Time' the periods of the day that each child attends school shall be stated, as thus from nine to twelve, or from two to five, or any other time, as the case may be; and all the children employed in the same factory who attend school before one of the clock in the afternoon shall be entered together, distinct from those who attend school after one of the clock.

"The time when each child attends school shall be stated in the column for each day, in the handwriting of the school-master; and no certificate shall be valid unless the school-master shall, in his own handwriting, subscribe to it his Christian and surname in full.

"In the case of any child who has been absent from school, the letter (A) shall be inserted under the day or days of absence, and the cause of absence shall be inserted in the column headed 'Causes of Absence,' so far as the same can be ascertained; and when any day has been a holiday at the school, the word 'Holiday' shall be entered in the column of the day.

"All school certificates, if given on loose sheets, shall, as soon as received, be fixed in a book, to be called 'The School Certificate Book,' in the order of their respective dates. Copies of the above forms may be bound together in a book for each factory."

The factories and workshops to which the Factory Acts, 1833 to 1871, and the Workshops Acts 1867 to 1871, apply are as follows :—

Factory Acts, 1833 & 1844 (3 & 4 Wm. 4, c. 103, and 7 & 8 Vict., c. 15).—For the purposes of these Acts the word "factory" is defined by sec. 73 of the Act of 1844 as follows :—
 "The word 'factory' shall be taken to mean all buildings and premises wherein or within the close or curtilage of which steam, water, or any other mechanical power shall be used to move or work any machinery employed in preparing, manufacturing, or finishing, or in any process incident to the manufacture of cotton, wool, hair, silk, flax, hemp, jute, or tow, either separately or mixed together, or mixed with any other material or any fabric made thereof; and any room situated

within the outward gate or boundary of any factory where-in children or young persons are employed in any process incident to the manufacture carried on in the factory shall be taken to be a part of the factory, although it may not contain any machinery; and any part of such factory may be taken to be a factory within the meaning of this Act." The term does not, however, include any part of a factory used solely for the purposes of a dwelling house, or any part used solely for the manufacture of goods made entirely of any other material than those above enumerated, nor any factory or part of a factory used solely for the manufacture of lace, of hats, or of paper, or solely for bleaching, dyeing, printing, or calendering.

The Ropeworks Act, 1846 (9 & 10 Vict., c. 40), which modifies the above definition as regards certain *ropeworks* by sec. 1, provides that "No ropery, ropewalk, or ropework, in which machinery, moved by steam, water, or other mechanical power is not used for drawing or spinning the fibres of flax, hemp, jute, or tow, but only for laying or twisting or other process of preparing or finishing the lines, twines, cords, or ropes, and which has no internal communication with any buildings or premises forming or forming part of a mill or factory within the meaning of the said Acts" (*Factory Acts, 1833 & 1846*), "except such as is necessary for the transmission of power, shall be deemed to be a mill or factory within the provisions of the said Acts."

The Lace Factories Act, 1861 (24 & 25 Vict., c. 117), applies to "factories in which machines for the manufacture of lace are moved by steam or water power."

The Factories Extension Act, 1864 (27 & 28 Vict., c. 48), applies to the manufacture of *earthenware*, except bricks and tiles, not being ornamental tiles, the manufacture of *lucifer matches*, the manufacture of *percussion caps*, the manufacture of *cartridges*, the employment of *paper staining*, and the employment of *fustian cutting*.

The Factory Acts Extension Act, 1867 (30 & 31 Vict., c. 103), applies to the following "factories"—

"1. Any *blast furnace* or other furnace or premises in or on which the process of smelting or otherwise obtaining any metal from the ores is carried on.

"2. Any copper mill.

"3. Any mill, forge, or other premises in or on which any process is carried on for converting iron into malleable iron, steel, or tin plate, or for otherwise making or converting steel.

"4. Iron foundries, copper foundries, brass foundries, and other premises or places in which the process of founding or casting any metal is carried on.

"5. Any premises in which steam, water, or other mechanical power is used for moving machinery employed—(a) in the manufacture of machinery; (b) in the manufacture of any article of metal, not being machinery; (c) in the manufacture of india-rubber or gutta-percha, or articles made wholly or partly of india-rubber or gutta-percha.

"6. Any premises in which any of the following manufactures or processes are carried on, namely:—(a) paper manufacture; (b) glass manufacture; (c) tobacco manufacture; (d) letterpress printing; (e) bookbinding.

"7. Any premises, whether adjoining or separate, in the same occupation, situate in the same city, town, parish, or place, and constituting one trade establishment, in, on, or within the precincts of which fifty or more persons are employed in any manufacturing process.

"Manufacturing process" is defined as meaning "any manual labour exercised by way of trade or for purposes of gain in or incidental to the making any article or part of an article, or in or incidental to the altering, repairing, ornamenting, finishing, or otherwise adapting for sale any article."

The Act contains a provision that "any premises or places on which the process of founding or casting any metal is carried on by not more than five persons, and as subsidiary to the repair or completion of some other work, shall not by reason only of such founding or casting be deemed to be a factory."

The Workshop Regulation Act, 1867 (30 & 31 Vict., c. 146), applies to "workshops" other than those provided for by the Factory Acts and Factory Acts Extension Act, and bake-houses under the Bakehouse Regulation Act, 1863.

For the purposes of the Act the term "workshop" is defined as meaning "any room or place whatever, whether

in the open air or under cover, in which any handicraft is carried on by any child, young person, or woman, and to which and over which the person by whom such child, young person, or woman is employed has the right of access and control."

The term "handicraft" means "any manual labour exercised by way of trade or for purposes of gain in or incidental to the making any article or part of an article, or in or incidental to the altering, repairing, ornamenting, finishing, or otherwise adapting for sale any article." "Employed" means "occupied in any handicraft, whether for wages or not, under a master or parent."

The Factory and Workshop Act, 1870 (33 & 34 Vict., c. 62), applies to "*print works and bleaching and dyeing works.*" "The term 'print works' means any premises in which any persons are employed to print figures, patterns, or designs upon any cotton, linen, woollen, worsted, or silken yarn, or upon any woven or felted fabric, not being paper. The term 'bleaching and dyeing works' means any premises, whether in the open air or not, in which the processes of bleaching, beetling, dyeing, calendering, finishing, hooking, lapping, and making up and packing any yarn or cloth of any material, or the dressing or finishing of lace, or any one or more of such processes, or any process incidental thereto, are or is carried on."

The provisions of secs. 12 and 14 of the Factory Act, 1874 37 & 38 Vict., c. 44, are as follows:—

Sec. 12. After the first day of January, 1876, "in the case of a factory to which this Act applies¹ a person of the age of thirteen years and under the age of fourteen years shall be deemed to be a child, and not a young person, unless he has obtained from a person authorised by the authority hereinafter mentioned a certificate of having attained such standard of proficiency in reading, writing, and arithmetic as may be from time to time prescribed for the purposes of this Act by that authority: Provided that any such person who previously to the first day of January,

¹ This Act applies only to factories as defined by the Factory Act, 1844, the Ropeworks Act, 1846, and the Lace Factory Act, 1861.

1876, is lawfully employed in any such factory as a young person may continue to be so employed in like manner as if this section had not been enacted. The authority for the purposes of this section shall be—

“(a.) In England the Lords of the Committee of the Privy Council on Education.

“The standard of proficiency so prescribed shall be published in the ‘London Gazette,’ and shall not have effect until the expiration of at least six months after such publication.”

Sec. 15. “After the first day of January, 1876, attendance at a school in England which is not for the time being recognised by the Education Department as giving efficient elementary education shall not in the case of a child employed in a factory to which this Act applies¹ be deemed to be attendance at a school within the meaning of this Act or the Factory Act, 1844; Provided that,

“(1.) This section shall not apply to a school in any school district within the meaning of the Elementary Education Act, 1870, which has not been declared by the Education Department to be sufficiently provided with public school accommodation within the meaning of that Act.

“(2.) This section shall not apply where there is not a school so recognised within the distance of two miles from the factory in which the child is employed.

“The Education Department shall make such declaration as above mentioned with respect to every school district which they are satisfied is supplied with sufficient public school accommodation, and shall from time to time publish, in such manner as they think sufficient to give information to all persons interested, lists of the schools for the time being recognised by them as giving efficient elementary education.”

The Committee of Council on Education, by a minute dated the 23rd of June, 1875, prescribe the standard of proficiency to be required under this enactment. The minute is as follows :—

¹ See note on previous page.

The standard of proficiency to be fixed for the purposes of the aforesaid Act shall, *for the present*, be regulated by the Fourth Standard prescribed by Article 28 of the Code of 1875, viz.:—

Reading.—To read with intelligence a few lines of poetry selected by the inspector.

Writing.—In small hand, eight lines, slowly dictated once from a reading book; spelling and handwriting to be considered.

Arithmetic.—Compound rules (money, and common weights and measures).¹

It will be observed from sec. 8 of the 39 and 40 Vict., c. 79 (p. 9), that the above sections of the Factory Act, 1844, (sections 31, 38, and 39), and of the Factory Act, 1874, are to apply to the employment and education of all children employed in factories subject to the Factory Acts, 1833 and 1871, and not subject to the Factory Act, 1874, or in workshops subject to the Workshops Acts, 1867 to 1871. The factories subject to the Factory Act, 1874, are those provided for by the Factory Act, 1844, the Ropeworks Act, 1846, and the Lace Factory Act, 1861; and the Act of 1874 contains the following provision (sec. 6):—

“In a factory to which this Act applies, the children may be employed either in morning and afternoon sets, or for the whole day on alternate days, and the following regulations shall be observed:

“(1.) Where the children are employed in morning and afternoon sets:—

“A child employed in the factory shall attend school in manner directed by section thirty-eight of the Factory Act, 1844; and the provisions of that Act with respect to such attendance and certi-

¹ Avoirdupois weight, long measure, liquid measure, time table, square and cubical measures, and any measure which is connected with the industrial occupations of the district.

ficates thereof shall apply accordingly" (see p. 74).

"(2.) Where the children are employed on alternate days :—

"A child employed in the factory shall attend school in manner directed by section thirty-one of the Factory Act, 1844 ; and the provisions of that Act with respect to such attendance and certificates thereof shall apply accordingly" (see p. 74).

Under the Factory Acts to which this Act applies "children" only are required to attend school, and the term "child" applies to any person under the age of fourteen years.

AGES AT WHICH CHILDREN MAY BE EMPLOYED UNDER THE FACTORY AND WORKSHOP ACTS.

In "factories" as defined by the Factory Act, 1844, the Ropeworks Act, 1846, and the Silk Factory Act, 1861, no children are to be employed under the age of ten years. "Provided," however, "that any child who previously to the commencement of the year 1875 is lawfully employed in any such factory, as a child under the age of nine years, and any child who previously to the commencement of the year 1876 is lawfully employed in any such factory, as a child under the age of ten years, may continue to be employed in any factory in like manner as if this section had not been enacted."

In all other factories and workshops to which the Factory and Workshop Acts apply children may, with certain exceptions, be employed when they have attained the age of eight years.

The exceptions are as follows :—

No child is to be allowed to commence work in the employment of fustian cutting until the attainment of the age of eleven years (27 & 28 Vict., c. 48, s. 6 ; 30 & 31 Vict., c. 146, s. 6).

No boy under the age of twelve years, and no female, is to be employed in any part of a glass factory in which the

process of melting or annealing glass is carried on (30 & 31 Vict., c. 103, s. 7).

No child under the age of eleven years is to be employed in grinding in the metal trade (30 & 31 Vict., c. 103, s. 7; 30 and 31 Vict., c. 146, s. 6).

No female under the age of sixteen years, and no child under the age of ten years, is to be employed in the manufacture of bricks and tiles, not being ornamental tiles (34 & 35 Vict., c. 104, s. 5).

REGULATIONS AS TO PASSING RESOLUTIONS FOR
APPLICATION FOR SCHOOL BOARDS.

The Education Act of 1876, by sec. 22 (see p. 31), provides that the requisition of a parish to a School Attendance Committee with regard to byelaws shall be made by a resolution passed by the same persons and in the same manner and subject to the same regulations of the Education Department as a resolution for an application for a School Board.

The regulations of the Education Department as to passing resolutions for applications for School Boards are as follows :—

AT THE COUNCIL CHAMBER, WHITEHALL, THE 3RD DAY OF
OCTOBER, 1873, BY THE LORDS OF THE COMMITTEE OF
THE PRIVY COUNCIL ON EDUCATION.

I.—Their Lordships read and approved the following :—

*General Regulations as to passing Resolutions “for Application
for School Boards” in Parishes not situate within Muni-
cipal Boroughs or within the Metropolis.*

WHEREAS, by the 12th section of the Elementary Education Act, 1870, application may be made to the Education Department, in certain cases, for leave to form a School Board.

And whereas such application must be made by a resolution passed in accordance with the provisions of the second part of the second schedule to the said Act.

And whereas the passing of such resolution must be in accordance with such regulations as the Education Department may by order prescribe.

Now, therefore, the Lords of the Committee of Council on Education, by virtue and in exercise of the powers in them vested under the Elementary Education Acts, 1870 and 1873,

and of every other power enabling them in this behalf, do order, and it is hereby ordered as follows:—

The following regulations as to passing any such resolution as aforesaid shall be observed in any parish not situate within a municipal borough, or within the metropolis:—

1. Upon requisition in writing, signed by fifty ratepayers entitled to vote in pursuance of the Elementary Education Act, 1873, or by one-third of the persons who are ratepayers of any parish and so entitled to vote, the summoning officer shall, within fourteen clear days after receiving such requisition, convene a meeting of such ratepayers as aforesaid, for the purpose of considering such resolution as hereinafter mentioned.¹

¹ With regard to the persons entitled to vote as ratepayers, the 36 & 37 Vict., c. 86, schedule 11, rule 1 (c) provides as follows:—

“In a parish which is not situate in the City of London or in a borough, other than the borough of Oxford, the book containing the last rate made for such parish more than one month previously to any date shall be the register of the ratepayers entitled to vote in such parish at that date; and every ratepayer whose name appears in such rate-book shall be entitled to vote, unless he is disqualified for voting, and no person shall be entitled to vote whose name does not so appear.”

The rate which is contemplated by this provision is no doubt the rate for the relief of the poor, but it is not so stated.

The Poor Rate Assessment and Collection Act, 1869 (32 & 33 Vict., c. 41), by sec. 17, provides, that “a poor rate shall be deemed to be *made* when it is allowed by the justices, and if the justices sever in their allowance” (or, in other words, when it is not signed on the same day by all the justices by whom it is allowed), “then on the day of the last allowance.”

The rate-book, as the register of ratepayers, is intended to be conclusive on the returning officer, subject to the legal disqualifications for voting. These disqualifications are those which arise from statutory prohibition, as in the case of a person who has been convicted of corrupt practices at the election of a member of a School Board (33 & 34 Vict., c. 75, s. 91), and a person who is in the receipt of parochial relief (39 & 40 Vict., c. 61), or by common law, as in the case of married women.

By the Acts relating to voting at vestry meetings a person, though assessed to the poor rate, is not entitled to vote at a vestry unless he has paid any poor rate which has become due more than three calendar months immediately preceding the vestry meeting—the payment of the rate by an owner under the Poor Rate Assessment and Collection Act, 1869, being deemed a personal payment by the occupier. In School Board elections, however, a ratepayer whose name appears in

The summoning officer shall be the clerk of the union of which any parish forms part, or the person for the time being discharging the duties of such clerk.

2. *Seven* clear days, at least, before the day of the meeting, the summoning officer shall publish a notice,¹ stating that a requisition has been received by him requiring him to call a meeting of the ratepayers for the purpose of passing a resolution that it is expedient that a School Board should be

the rate-book which forms the register will be entitled to vote, notwithstanding the non-payment of any rate.

Much difference of opinion has existed as to whether when the owner of a hereditament is rated, and actually pays the rate instead of the occupier, the owner as well as the occupier, or the occupier alone, is entitled to the qualifications and franchises in respect of the rating and payment of rates. It appears, however, from a circular letter of the Education Department, dated the 14th of November, 1870, addressed to the deputy returning officers for the divisions of the metropolis, as to the persons who were to be deemed to be "ratepayers" in the election of the School Board for London, that the Education Department considered that the owners of tenements who were rated *under an order of vestry* under sec. 4 of the Poor Rate Assessment and Collection Act, as well as the occupiers of the tenements, were entitled to vote in the election. But the subsequent provision in the second schedule of the 36 & 37 Vict., c. 86, renders it necessary in order to entitle either the owner or the occupier to vote that his name should appear in the rate-book which forms the register. The rate-book distinguishes the owners who are thus rated, as it is in these cases only that the column of the rate-book headed, "Amount of rate assessed upon and payable by the owner instead of the occupier, by virtue of the statute or statutes in that behalf," will be filled up. In the cases where owners have voluntarily agreed to pay the rates instead of the occupiers, and are not rated under an order of vestry, the occupiers and not the owners are assessed, and it would seem to follow that the occupiers alone can be regarded as "ratepayers."

See also Owen's School Board Election Manual. Knight & Co., Fleet Street, London.

When the requisition purports to be signed by one-third of the ratepayers, great care should be exercised that the signatures of *at least* that proportion of the full number of ratepayers of the parish or township is obtained, as otherwise serious questions may be raised as to the validity of the subsequent proceedings. When it purports to be signed by fifty ratepayers it will be desirable that the signatures of a larger number should be obtained, in order to cover any possible defects of qualification.

The Education Department state that the word "convene" is to be read as meaning "issue the summons for."

¹ As to publication of notices, see Art. 19.

formed for the said parish, and that a meeting of the ratepayers will, accordingly, be held at some convenient time and place (to be specified in such notice), for the purpose of considering such resolution.

3. Every person who, at the time of the meeting, is entitled to vote in the election of members of a School Board for the parish, shall be entitled to be present and to vote at such meeting, and every such ratepayer shall have one vote only.¹

4. At the time and place so specified, some person chosen at the meeting shall take the chair, and any such ratepayer, as aforesaid, may propose such resolution as aforesaid, to be seconded by some other such ratepayer as aforesaid.

5. If no such resolution is proposed and seconded at the time and place aforesaid, or if the same is withdrawn or negatived, the chairman shall declare the resolution to have been negatived, and shall publish notice thereof.² The resolution may at any time, before the taking of the poll, be withdrawn by the two ratepayers who proposed and seconded the same; and, in such case, no further proceedings shall be taken in respect of the poll.

6. If the resolution, duly proposed and seconded, is carried, and no demand for a poll is made, the chairman shall declare the resolution to have been passed, and shall publish notice thereof.

7. Any ten of such ratepayers as aforesaid may make demand in writing, to be delivered to the said chairman at the meeting, that a poll be taken on such resolution, and the same shall be taken, unless the major part of such ratepayers so signing the writing withdraw the same by notice in writing to the chairman at the meeting or to the summoning officer after the meeting, who shall publish notice thereof.³

8. If a poll be taken the summoning officer shall fix the day of taking the poll, which shall be not less than *ten* clear

¹ As to the persons entitled to vote in the election of a School Board for a parish, see p. 87.

² As to the publication of notices, see Art. 19.

³ Any ten ratepayers entitled to vote in the election of a School Board for the parish may, at the meeting, demand a poll, whether the resolution is carried or negatived.

days after the day fixed for such meeting as aforesaid, and the said officer shall publish notice thereof.

9. The summoning officer shall determine the number and situation of the polling-stations, and for this purpose may cause any parish to be divided into polling districts. The said officer shall cause the boundaries of such districts and the number and situation of the polling stations to be published not less than *three* clear days before the day fixed for the polling.

The summoning officer shall provide everything which in the case of a municipal election is required to be provided by the mayor for the purpose of a poll.¹

No publichouse shall be used as a polling-place.

10. If the parish is divided into polling-districts, each voter shall give his vote in the polling-district in which the property in respect of which he is entitled to vote is situate, and if such property is situate in more than one district, in any one of the districts in which it is situate.

11. The summoning officer, or some person or persons appointed by him, shall preside at each polling-station, provided that only one person shall preside at the same time.

12. The poll shall commence at such an hour, not earlier than 8 a.m., and close at such an hour, not later than 8 p.m., as shall be fixed by the summoning officer, but the poll shall be open for seven hours, and no more.

13. Subject to the provisions of this order, the poll shall be conducted in like manner, so far as circumstances admit, as a poll at a contested municipal election is directed by the Ballot Act, 1872,² to be conducted; and subject, as aforesaid, the provisions of that Act shall apply to the voting for or against the resolution, Provided that:

(a.) The ballot paper shall be in the form annexed to this order, and the cross indicating assent to, or dissent from, the resolution, shall be placed opposite the word

¹ It will devolve on the summoning officer to provide ballot boxes, ballot papers, materials for marking ballot papers, stamping instruments, etc. These, with all the necessary forms, may be obtained of Knight & Co., 90, Fleet Street, E.C.

² See Owen's Ballot Act Manual. Second edition. Knight & Co., Fleet Street, London.

17. The result of the poll shall be published by the summoning officer.

18. The summoning officer shall keep the ballot papers and all other documents connected with the poll for six months subject to the directions of the Education Department, and shall then, unless otherwise ordered by the said Department, cause them to be destroyed.

19. Notices and other matters directed by this order to be published, shall be published in like manner as public notices are usually published in the parish to which they relate.

20. The summoning officer shall be entitled to such reasonable expenses as may have been incurred by him, and to a reasonable remuneration for his services, to be paid by the overseers. Provided that if any question should arise between the said officer and the overseers as to such expenses or remuneration, such question shall be referred to the Education Department, whose decision thereon shall be final and conclusive.

21. Words used in this order shall, so far as is consistent with the context, have the same meaning as the same words used in the Elementary Education Acts, 1870, 1873.

FORM OF BALLOT PAPER.

| Counterfoil No. | Are you for or against a School Board? |
|--|--|
| NOTE.—The Counterfoil is to have a number to correspond with that at the back of the Ballot Paper. | For (Place for cross) |
| | Against (Place for cross) |

FORM OF BACK OF BALLOT PAPER.

No.

NOTE.—The number on the Ballot paper is to correspond with that on the counterfoil.

F. R. SANDFORD, *Secretary*.

NEW CODE, 1876.

STANDARDS OF EXAMINATION IN READING, WRITING, AND ARITHMETIC.

STANDARD I.

*Reading.*¹—To read a short paragraph from a book not confined to words of one syllable.

Writing.—Copy in manuscript character a line of print, on slates or in copy books, at choice of managers; and write from dictation a few common words.

Arithmetic.—Simple addition and subtraction of numbers of not more than four figures, and the multiplication table, to six times twelve.

STANDARD II.

*Reading.*¹—To read with intelligence a short paragraph from an elementary reading book.

Writing.—A sentence from the same book, slowly read once, and then dictated.

Copy books (large or half-text) to be shown.

Arithmetic.—The four simple rules to short division inclusive.

STANDARD III.

*Reading.*¹—To read with intelligence a short paragraph from a more advanced reading book.

¹ Reading will be tested in the ordinary class books, if approved by the inspector; but these books must be of reasonable length and difficulty, and unmarked. If they are not so, books brought by the inspector will be used. Every class ought to have two or three sets of reading books. The class examination (Article 19, C.) will be conducted so as to show the intelligence, and not the mere memory of the scholars.

Writing.—A sentence slowly dictated once from the same book.

Copy books to be shown (small hand, capital letters, and figures).

Arithmetic.—Long division and compound addition and subtraction (money).

STANDARD IV.

Reading.¹—To read with intelligence a few lines of poetry selected by the inspector.

Writing.—Eight lines slowly dictated once from a reading book.

Copy books to be shown (improved small hand).

Arithmetic.—Compound rules (money) and reduction (common weights and measures).²

STANDARD V.

Reading.¹—Improved reading; and in day schools recitation of not less than 75 lines of poetry.³

Writing.—Writing from memory the substance of a short story read out twice; spelling, grammar, and handwriting to be considered.

Arithmetic.—Practice, bills of parcels, and simple proportion.

STANDARD VI.

Reading.¹—Reading with fluency and expression; and in day schools recitation of not less than 50 lines of prose, or 100 of poetry.³

Writing.—A short theme or letter, the composition, spelling, grammar, and handwriting to be considered.

Arithmetic.—Proportion, vulgar and decimal fractions.

¹ See note as to reading, Standard I.

² The "weights and measures" taught in public elementary schools should be only such as are really useful; such as avoirdupois weight, long measure, liquid measure, time table, square and cubical measures, and any measure which is connected with the industrial occupations of the district.

³ The passages for recitation may be taken from one or more standard authors, previously approved by the inspector. Meaning and allusions to be known, and if well known to atone for deficiencies of memory.

SPECIMEN BYELAWS AS TO ATTENDANCE AT SCHOOL.

BYELAWS OF THE BOROUGH OF NORTHAMPTON.

BOROUGH OF NORTHAMPTON.

BYELAWS of the NORTHAMPTON SCHOOL BOARD (under the 74th section of the Elementary Education Act, 1870), adopted at a meeting of the School Board for the district of the borough of Northampton, held at the Guildhall, in the borough of Northampton, the 15th day of May, 1876.

BYELAWS.

Interpretation of terms.

1.—The term "School Board," or "Board," means the School Board of the district of the borough of Northampton. The term "school," or "public elementary school," means a public elementary school as defined by the Elementary Education Act, 1870. The term "parent," includes guardian, and every person who is liable to maintain, or has the actual custody of any child, but does not include the mother of a child when the father is living, and is residing within the school district.

Parents shall cause children between five and thirteen years of age to attend school.

2.—The parent of every child residing within the school district of the borough of Northampton shall cause such child, not being less than five nor more than thirteen years of age, to attend a public elementary school, unless there is some reasonable excuse for non-attendance.

Any of the following reasons shall be a reasonable excuse, namely :—

Reasonable excuses for non-attendance.

- (a) That the child is under efficient instruction in some other manner.
- (b) That the child has been prevented from attending school by sickness, or any unavoidable cause, or cause which, in the opinion of the School Board, shall be deemed reasonable.
- (c) That there is no public elementary school open, which the child can attend, within one mile, measured according to the nearest road, from the residence of such child.
- (d) That such child, having attained the age of ten years, has reached the Fifth Standard of the Government code dated the 7th March, 1876, and has obtained a certificate to that effect from one of Her Majesty's inspectors of schools; and any such child who has been so certified to have passed the Third Standard of education mentioned in the said code shall be exempt from the obligation to attend school more than one-half of the time the school is open.

3.—Whenever the parent of any child residing in the district of the Board shall satisfy the School Board that he is unable from poverty to pay the school fees for such child, the School Board shall, for a renewable period, not exceeding six calendar months, remit at any school provided by the Board, [or *pay at any other public elementary school*] such part of the fees as the parent is unable to pay.

As to time of attendance, &c.

4.—The time during which every child shall attend school, shall, subject to the provisions of the Elementary Education Acts, 1870, 1873, and of these byelaws, be the whole time for which the school shall be open for the instruction of children of similar age, provided that—

Nothing in the present byelaws—

- (1) Shall prevent the withdrawal of any child from any religious observance or instruction, inspection or examination in religious subjects;
- (2) Shall require any child to attend school on any day

- exclusively set apart for religious observance by the religious body to which his parent belongs ; or
- (3) Shall have any force or effect in so far as it may be contrary to anything contained in any Act for regulating the education of children employed in labour.

Penalty for breach of byelaws.

5.—Any parent who shall be guilty of a breach of any of these byelaws shall for every such offence be subject to a penalty, including costs, not exceeding 5s.

6.—All byelaws heretofore made by the School Board under sec. 74 of the Elementary Education Act, 1870, are hereby wholly revoked as from the day hereinafter specified in byelaw 7.

7.—These byelaws shall take effect from and after the day on which the same shall be sanctioned by Her Majesty by order in council.

Sealed with the Corporate Common Seal of the Northampton School Board, this 16th day of May, 1876.

Sealed in my presence,

PICKERING PHIPPS, Chairman.

JOHN B. HENSMAN, Clerk.

BYELAWS OF WOOLAVINGTON PARISH.

PARISH OF WOOLAVINGTON.

Know all men by these presents, that—

At a meeting of the School Board for Woolavington, duly convened and held at the offices of their clerk, King's Square, Bridgwater, Somerset, on Wednesday, the eighth day of March, 1876, at which meeting a quorum of the members of the Board are present, the said Board do hereby in pursuance of the powers to them given by the Elementary Education

Act, 1870, and subject to the approval of the Lords of the Committee of the Privy Council on Education, make and ordain the following byelaws :—

1.—In these byelaws, the term “ parish ” means the parish of Woolavington.

The term “ Education Department ” means the Lords of the Committee of the Privy Council on Education.

The term “ Her Majesty’s Inspectors ” means the inspectors of schools appointed by Her Majesty on the recommendation of the Education Department.

The term “ School Board ” or “ Board ” means the Woolavington School Board.

Terms importing males include females.

The term “ school ” means a public elementary school, as defined by the Elementary Education Act, 1870.

The term “ parent ” includes guardian and every person who is liable to maintain or has the actual custody of any child, but does not include the mother of a child when the father is living and is residing within the parish.

2.—The parent of every child not less than five years nor more than thirteen years of age residing within the district of the Board shall cause such child to attend school unless there be some reasonable excuse for non-attendance.

Any of the following reasons shall be a reasonable excuse, viz. :—

- (1) That the child is under efficient instruction in some other manner.
- (2) That the child has been prevented from attending school by sickness or any unavoidable cause.
- (3) That there is no public elementary school open, which the child can attend, within three miles measured according to the nearest road, from the residence of such child.

3.—The time during which every child shall attend school, shall be the whole time for which the school selected shall be open for the instruction of children of similar age, provided that nothing herein contained shall prevent the withdrawal of any child during the time or times in which any religious observance is practised, or instruction in religious subjects is given, and that no child shall be required—

- (a) To attend school on any day exclusively set apart for religious observances by the religious body to which his parent belongs.
- (b) To attend school on Sunday, Christmas Day, Good Friday, or any day set apart as a day of public fast or thanksgiving.

4.—In case one of Her Majesty's inspectors of schools shall certify that any child between ten and thirteen years of age has reached the Fifth Standard of education mentioned in the new code of regulations of the Education Department, made on the 7th day of February, 1871, such child shall be totally exempt from the obligation to attend school, and any child who has been so certified to have reached the Fourth Standard of education mentioned in the said code shall be exempt from the obligation to attend school more than ten hours in any one week.

Any child of not less than eleven years of age, who shall have passed the Second Standard of the said code, shall, from any cause which shall be deemed satisfactory to the Board, be exempted from attending school more than ten hours in any one week.

5.—Nothing in the present byelaws shall have any force or effect in so far as it may be contrary to anything contained in any Act for regulating the education of children employed in labour.

6.—Any person convicted of a breach of these byelaws, or any of them, shall be liable to a penalty not exceeding five shillings, inclusive of costs for each offence:

7.—These byelaws shall take effect from and after the day on which the same shall be sanctioned by Her Majesty's order in Council.

ALFRED N. BULL, Chairman.
PAUL O. H. REED, Clerk.

Dated 8th March, 1876.

BYELAWS OF BAWBURGH DISTRICT.

DISTRICT OF BAWBURGH, NORFOLK.

At a meeting of the School Board for the district of Bawburgh, comprising the parish of Bawburgh, held on Tuesday, March 14th, 1876, at which meeting a quorum of the members of such Board are present, the said School Board do hereby, in pursuance of the powers to them given by the Elementary Education Acts, 1870 and 1873, and subject to the approval of the Committee of Privy Council on Education, make and ordain the following byelaws:—

I. The parent of every child within the Bawburgh district is required to cause such child, being not less than five years nor more than thirteen years old, to attend a public elementary school, unless there be a reasonable excuse for non-attendance.

Any of the following reasons shall be a reasonable excuse for non-attendance, namely:—

- (1) That the child is under efficient instruction in some other manner.
- (2) That the child has been prevented from attending school by sickness or any unavoidable cause.
- (3) That there is no public elementary school open, which the child can attend, within the distance of two miles, measured according to the nearest road from the residence of such child.

II. The time during which every child shall attend school shall be the whole time for which the school selected shall be open for the instruction of children of similar age, provided that nothing herein contained shall prevent the withdrawal of any child from any religious observance or instruction in religious subjects, and that no child shall be required—

- (1) To attend school on any day exclusively set apart for religious observance by the religious body to which his or her parent belongs.
- (2) To attend school on Sunday, Christmas Day, Good Friday, or any day set apart for a public fast, or national thanksgiving, or on Saturday.

III. Any child of not less than ten years of age, who has

reached a standard of education which would enable it to pass a public examination, according to the Fourth Standard of the Government Code, 1875, and who has obtained a certificate to that effect from one of Her Majesty's inspectors of schools, shall be altogether exempt from obligation to attend school.

IV. Any child of not less than ten years of age, who shows to the satisfaction of the School Board that he or she is beneficially and necessarily at work, shall be exempt from the obligation to attend school during the continuance of such work, and no longer, provided that such child makes at least 150 attendances in each year between the ages of ten and thirteen years.

V. Nothing in the present byelaws shall have any force or effect, in so far as it may be contrary to anything contained in any Act for regulating the education of children employed in labour.

VI. Every parent who shall not observe, or shall neglect or violate these byelaws, or any of them, shall upon conviction be liable to a penalty not exceeding five shillings, including costs, for each offence; provided that all breaches of these byelaws by a parent in one and the same week shall be deemed one offence.

VII. These byelaws shall take effect from and after the day on which the same shall be sanctioned, by order of Her Majesty in council.

Sealed with the common seal of the School Board of the district or parish of Bawburgh, this thirtieth day of March, one thousand eight hundred and seventy-six.

HICKS THOMAS DEACLE, Chairman.

DAVID WILLIAM CHILD, Clerk.

BYELAWS OF BRAINTREE PARISH.

PARISH OF BRAINTREE.

At a meeting of the School Board for the parish of Braintree, in the county of Essex, duly convened and held at the vestry hall of the said parish, on the thirtieth day of March, 1876, the said Board do hereby, in pursuance of the powers given to them by "The Elementary Education Acts, 1870 and 1873," and subject to the approval of the Education Department, make and ordain the following byelaws:—

1. In these byelaws terms importing males include females.

Requiring parents to cause children to attend school.

2. Subject to the provisions of the Elementary Education Acts of 1870 and 1873, and of these byelaws, the parent of every child not less than five years of age nor more than thirteen years of age, and residing within the district of the said Board, shall cause such child to attend school, unless there be some reasonable excuse for non-attendance.

Determining the time during which children shall attend school.

3. Subject, as aforesaid, the time during which every such child shall attend school shall be the whole time for which the school selected shall be open for the instruction of children, provided that nothing herein contained shall prevent the withdrawal of any child during the time or times in which any religious observance is practised or instruction on religious subjects is given, and that no child shall be required—

- (a) To attend school on any day exclusively set apart for religious observance by the religious body to which his or her parent belongs.
- (b) To attend school on Sunday, Christmas Day, Good Friday, or any day set apart for a day of public fast or thanksgiving.
- (c) To attend school on any day fixed for the inspection of the school or the examination of the scholars therein in respect of religious subjects.

Proviso for total or partial exemption from attendance.

4. In case one of Her Majesty's inspectors of schools shall certify that any child between ten and thirteen years of age has reached a standard of education equivalent to the Fifth Standard mentioned in the code of regulations of the Education Department in force at the date of such certificate, such child shall be totally exempt from the obligation to attend school, and a child of not less than ten years of age, who shows to the satisfaction of the Board that he is beneficially and necessarily at work, shall be exempt from the obligation to attend school during the whole time for which the school shall be opened, as aforesaid, but every such child is required to attend school at least ten hours in every week in which the school is opened as aforesaid, and in computing for the purpose of this section the time during which a child has attended any school there shall not be included any time during which such child has attended either

- (a) In excess of three hours at any one time, or in excess of five hours on any one day, or
- (b) On Sundays.

Defining reasonable excuses for non-attendance.

5. A child shall not be required to attend school

- (a) If such child is under efficient instruction in some other manner.
- (b) If such child is prevented from attending school by sickness or any unavoidable cause, or any cause which the Board shall deem satisfactory.
- (c) If there is no public elementary school which such child can attend, within two miles, measured according to the nearest road from the residence of the child.

As to children employed in labour.

6. Nothing in the present byelaws shall have any force or effect in so far as it may be contrary to anything contained in any Act for regulating the education of children employed in labour.

Penalty for breach of byelaws.

7. Any person committing a breach of these byelaws, or any of them, shall be liable to a penalty not exceeding five shillings, including costs, for each offence, provided that all breaches of these byelaws by a parent in one and the same week shall be deemed one offence.

Date on which byelaws shall come into operation.

8. These byelaws shall take effect from and after the day on which the same shall be sanctioned by Her Majesty, by order in council.

Sealed with the Common Seal of the School Board
of the parish of Braintree, in the presence of

FREDERICK WEST, Chairman.

EDW. HOLMES, Clerk.

30th March, 1876.

INDEX.

ACT, short title of, 1; extent of, 1; commencement of, 2; application of, to Scotland, 65; construction of, with other enactments, 63; publication of provisions of, by local authority, 5.

ACTS, repeal of, 13, 28, 50, 64, 73.

AGENT or workman may be liable for illegal employment of child, 49, 50.

AGRICULTURAL CHILDREN ACT, repeal of, 64, 73.

APPLICATION for School Boards, regulations as to, 31, 86.

APPOINTMENT OF LOCAL COMMITTEES by School Attendance Committee, 41, 71, 72.

APPOINTMENT OF OFFICERS by School Attendance Committees, 38, 40, 45.

AUDIT OF ACCOUNTS as to expenses of School Attendance Committee in urban sanitary district, 42.

BIRTHS, duty of registrar as to furnishing certificates and returns of, 35, 36.

BOROUGH, definition of, 6. See also council of borough.

BORROWING by School Boards. See Loans.

BYELAWS—AS TO SCHOOL ATTENDANCE—in borough not under jurisdiction of School Board, School Attendance Committee may make, 30.

in parish, School Attendance Committee to make, on requisition of parish, but not otherwise, 30; mode in which requisition for, may be made by parish, 31; requisition for may be accompanied by representation as to nature of byelaws desired by parish, 31.

not to provide for the remission or payment of school fees, 32.

duty of local authority to enforce, 32; appointment and payment of officers to act in execution of, 38, 40; proceedings for enforcement of, to be authorised by two members of local authority, 49; local committees not to make, or take proceedings for enforcement of, 41; proceedings for penalties under, 47, 48.

saving of, 42, 43, 46, 63.

Byelaws—

employment of children attending school under, 3.
specimen, 95.

CASUAL VACANCIES in School Boards—mode of filling up, 60, 72.

CERTIFICATES OF PROFICIENCY of previous due attendance at school
—regulations as to, 34, 35 ; standards for certificates for purpose
of employment, 66 ; for purpose of payment of fees, 68 ; payment
by Education Department from parliamentary grant of fees of
children with, 27 ; employment of children under, 3.

CERTIFICATES, forgery of, 47, 50.

CERTIFIED EFFICIENT SCHOOL, definitions of, 23, 62.

CERTIFIED DAY INDUSTRIAL SCHOOL, definition of, 22 ; grant of
certificate by Secretary of State, 22.

order in council may be made applying provisions of Industrial
Schools Acts to, with modifications, 24, 25.

powers of School Boards and prison authorities as to establishing
or contributing to cost of, 23, 26.

consent of Secretary of State required for provision of, by School
Board, and borrowing for, 21, 22.

duty of local authority as to applications for orders for sending
children to, 19.

when children may be sent to, on non-compliance with school
attendance order, 16, 17.

children may be sent to, under Industrial Schools Acts, instead of
to certified industrial school, 23.

hours during which children to be detained in, 23.

children may be received into on request of local authority and
parent without order, if parent undertakes to pay certain sum, 24.

contributions by parent towards cost of maintenance and training
of child in, 17, 18, 23, 24 ; grant of relief to parent by guar-
dians for contributions to, 24.

parliamentary grant for children sent to, 23 ; for children received
into on request of parent and local authority, 24 ; conditions of
grant to and examination of children in, 26.

to be deemed certified efficient school, 23.

forms of orders for sending children to, and mode in which chil-
dren may be sent may be prescribed by Secretary of State, 25.

withdrawal of certificate of, 25.

CERTIFIED INDUSTRIAL SCHOOL, definition of, 17.

classes of children who may be sent to, under Industrial Schools Acts, 19, 20; children who under Industrial Schools Acts may be sent to, may be sent to certified day industrial school, 23.

duty of local authority as regards applying for orders for sending children to, 19.

when children may be sent to, on non-compliance with school attendance order, 16, 17.

consent of Secretary of State required for provision of and borrowing for by School Board, 21.

contributions by parents to cost of maintenance of child in, 17.

powers as to order providing that child liable to be sent to certified reformatory school, may be sent to, 25.

license for child sent to, to live out of school, 20.

CERTIFIED REFORMATORY SCHOOL, powers as to order providing that child liable to be sent to, may be sent to certified industrial school, 25.**CHILDREN**, definition of, 62; declaration of duty of parents as to education of, 2.

restrictions as to employment of, 2—4; exceptions to restrictions, 3, 11, 64.

employment and education of, in factories and workshops, 3, 9, 10, 74.

when to be deemed to be employed by parents, 61.

penalty for illegal employment of, 4. See also *Employment of Children*.

when an order of justices for attendance of, at school, may be obtained, 14, 15; reasonable excuses for non-compliance with order, 15; penalty on non-compliance without reasonable excuse, 16; complaints on continuing non-compliance, 17; when may be sent to industrial school on account of order not being complied with, 16, 17. See also *Byelaws*.

classes of, who may be sent to industrial schools under Industrial Schools Acts, 19, 20; when liable to be sent to certified industrial school, may be sent to a certified day industrial school, 23; contributions by parents for, when sent to industrial school, 17, 18, 23, 24; may be received into certified day industrial school on request of parent and local authority without order, 24. See also *School Fees*.

- CLERK TO THE GUARDIANS to be clerk to School Attendance Committee of union, 45.
- CODE OF EDUCATION DEPARTMENT, standards prescribed by, 93.
- COMMENCEMENT OF ACT, 1.
- CONSCIENCE CLAUSE, 7; infraction of, in public elementary school, 5.
- CONTRIBUTIONS BY PARENT to cost of maintenance and training of child in industrial school, 17, 18; in certified day industrial schools, 23, 24; when relief to be given by guardians for payment of, 24.
- CONTRIBUTIONS FROM PARLIAMENTARY GRANT. See Parliamentary Grant.
- COUNCIL OF BOROUGH, appointment by, of School Attendance Committee, 4, 72; alteration by, of number of members of committee, 40, 41.
- School Attendance Committee appointed by, constituted "local authority," 5.
- consent of, to incurring of expense and employment of officers by School Attendance Committee, 39, 40.
- See also Local Authority.
- COURT OF SUMMARY JURISDICTION, definition of, 49.
- may make order for attendance of child at school, 14; may on non-compliance with order impose penalty or send child to industrial school, 16, 17; may order parent to contribute to maintenance of child in certified day industrial school, 23, 24; may send to certified day industrial school children liable to be sent to certified industrial school, 23.
- proceedings before, 47, 48, 49.
- DAY INDUSTRIAL SCHOOL, definition of, 22; may be certified by Secretary of State, 22; certificate of, may be withdrawn, 25. See also Certified Day Industrial School.
- DEATHS, duty of registrar as to furnishing local authority with returns of, 36.
- DEFAULT OF LOCAL AUTHORITY, powers of Education Department on, 36, 37.
- DEFINITIONS, 62; borough, 6; child, 62; certified efficient school, 23, 62; Factory Acts, 62; local authority, 5, 42; parent, 2; public elementary school, 7.
- DISSOLUTION OF SCHOOL BOARD, 55, 56, 57.

DUTIES of School Boards and School Attendance Committees as local authorities. See Local Authority.

DUTY OF PARENT to educate child, declaration as to, 2.

EDUCATION DEPARTMENT, local authority to report to, infraction of conscience clause in public elementary school, 5; to furnish returns to, 59; to send to, copy of notice as to exception to prohibition of employment of children for operations of husbandry and ingathering of crops, 11, 12.

consent of, not required to provision of and borrowing for industrial schools by School Boards, 21.

to approve of byelaws as to attendance of children at school, 30, 31, 32.

may vary regulations as to certificates of proficiency and previous due attendance at school, 34, 35.

powers of, in case of local authority failing to fulfil duty, 36, 37.

may authorise urban sanitary authority to appoint School Attendance Committee, or persons to act with committee appointed by guardians, 42, 43.

regulations of, as to application for School Boards, 31, 86.

code of, prescribing standards of examination, 93.

may dissolve School Board, 55—57.

authentication of orders of, 60; time after which orders of, cannot be questioned, 60, 61.

see also Parliamentary Grant.

ELECTIONS FOR CASUAL VACANCIES in School Boards, 60, 72.

EMPLOYMENT OF CHILDREN, general restrictions as to, 2—4; temporary modification, 64; exceptions to restrictions, when certificate of proficiency or previous due attendance at school has been obtained, 3; when child is employed, and attending school under Factory Acts or byelaws, 3; when no public elementary school open within certain distance from residence of child, 11; when employment is during school holidays, or when school is not open, or otherwise, when instruction of child not interfered with, 11; when prohibition is suspended by local authority for operations of husbandry and ingathering of crops, 11.

saving for children employed at passing of Act, 64.

when child is to be deemed to be employed by parent, 61.

in factories and workshops, 3, 9, 10, 74.

Employment of Children—

provisions in previous Acts as to, not derogated from by this Act, 63.
penalty for illegal, 4; enforcement of provisions as to, 4; in factories,
workshops, and mines, 5; order for entry on premises when
child believed to be illegally employed, 39.

proceedings when agent or workman has illegally employed child,
49, 50; when child has been employed on false representa-
tion of parent, 50; exemption from when employer has acted
in good faith, 50.

EX-OFFICIO GUARDIANS, to be elected members of School Attendance
Committee in unions, 4, 5.

EXPENSES of School Attendance Committee appointed by councils
and guardians, and mode of raising amount, 39, 40, 63.

of School Attendance Committee appointed by urban sanitary
authority, and mode of raising amount, 42.

of School Attendance Committee appointed by Education Depart-
ment on default of local authority, 37.

mode of charging fees paid by guardians for children of non-
paupers, 46.

school fees of children of out-door paupers, 51, 52.

mode of charging relief given to parents for payment of contribu-
tion ordered in respect of child in certified day industrial
school, 24.

incurred with reference to resolution of parish for byelaws, 31.

returns of births and deaths, 36.

publication of notices by officers of guardians, 45.

contribution from part of parish for, 63.

EXTENT of Act, 1.

FACTORIES, exemption from restrictions as to employment of children

in, when employed and attending school under Factory Acts, 3.

extension of provisions of Factory Acts, 1844 and 1874, as to em-
ployment and education of children in, 9, 10, 74.

enforcement of provisions when children employed in, 5.

FACTORY ACTS, definition of, 62.

1844, 1874, extension of provisions of, as to employment and educa-
tion of children, 9, 10, 74.

FEES. See School Fees.

FORGERY of certificates, 47, 50.

GUARDIANS, appointment of School Attendance Committee by, 4, 5, 72; School Attendance Committee appointed by, constituted "local authority," 5.

alteration of number of members of School Attendance Committee by, 40, 41.

consent of, to incurring expense and employment of officers by School Attendance Committee, 40.

to give relief to parent when necessary to enable him to pay amount ordered for cost of child in a certified day industrial school, 24; mode of charging relief so given, 24.

to give relief necessary for attendance at school of out-door pauper children, 51.

payment by, of school fees for children of poor parents, not paupers, 12, 13.

may pay expense of publication of notices, 45.

mode of charging school fees for non-paupers, 46.

may obtain contribution from part of parish, 63. See also Expenses.

HUSBANDRY, operations of, exception to prohibition of employment for, 11, 12.

INDUSTRIAL School. See Certified Industrial School.

INGATHERING OF CROPS, exception to prohibition of employment of children for, 11, 12.

INSPECTORS appointed by Secretary of State to enforce provisions as to employment of children in factories, workshops, and mines, 5.

JUSTICE may make an order for entry on premises when child believed to be illegally employed, 39.

JUSTICES, orders by. See Court of Summary Jurisdiction.

LEGAL PROCEEDINGS, provisions as to, 47, 49, 63.

LICENSE for child sent to certified industrial school to live out of school, 20.

LOANS to School Boards for industrial schools, 21, 22; for officers, 59.

LOCAL AUTHORITY, School Board constituted, 4, 5; School Attendance Committee appointed by council of borough constituted, 4, 5; School Attendance Committee appointed by guardians constituted, 4, 5; School Attendance Committee appointed by urban sanitary authority constituted, 42, 43.

Local Authority—

- duty of, to publish provisions of Act, 5; to enforce provisions as to employment of children, 4; to assist inspectors appointed by Secretary of State in enforcing Act in case of children employed in factories, workshops, and mines, 5; to report to Education Department infraction of conscience clause in public elementary schools, 5; to furnish returns to Education Department, 59.
- may suspend restrictions as to employment of children, for operations of husbandry and ingathering of crops, 11; limitation of period of suspension, 11; issue of notice by, as to suspension, 11; copies of notice to be furnished to Education Department and to overseers, 11, 12; copies of notice to be affixed on church and chapel doors, and may be advertised, 12.
- duty of, in certain cases to apply for an order directing attendance of child at school, 14. See also School Attendance Orders.
- duty of, as to application for order for sending child to an industrial school, 19; classes of children who may be sent to an industrial school, 16, 19, 20, 23, 24, 25.
- duty of, as to obtaining and enforcing order for contribution by parent to cost of child sent to certified day industrial school, 24; to apply sums received under order in aid of their expenses, 24.
- at request of, and of parent, child may be received into certified day industrial school, when parent undertakes to pay certain sum, 24.
- powers of, to make byelaws for school attendance, 30, 31, 32; duty of, to enforce, 32.
- may obtain from registrars returns of births and deaths, 36.
- appointment and payment of officers by, 38, 39, 40.
- officer of, may obtain order for entry on premises when child believed to be illegally employed, 39; proceedings for non-attendance at school to be authorised by two members, 49.
- expenses of School Board as, 39.
- expenses of other local authority, 39, 40. See also Expenses.
- powers of Education Department in case of failure of, to fulfil duty, 36, 37.
- LOCAL COMMITTEES, appointment of, by School Attendance Committee, 41, 71; rules as to, 71; continuance in office of, 71; regulation of proceedings of, 71, 72; casual vacancies in, 72.
- not to make byelaws or take proceedings before a court, 41.

LOCAL GOVERNMENT BOARD, when consent of, to appointment of officers required ; 40, may make regulations as to the officers and expenses of School Attendance Committees, appointed by guardians, 45 ; to prescribe fee to registrars for certificates of birth, 35 ; to prescribe form for returns to local authority of births and deaths, 36.

METROPOLITAN COMMON POOR FUND, school fees paid by guardians for children of out-door paupers in metropolis to be a charge on, 52.

MINES, enforcement of provisions as to employment of children in, 5.

OFFICER, employment and payment of, by local authority, 38, 39, 40. of local authority may obtain order for entry on premises where child believed to be illegally employed, 39.

authority required by, for commencing proceedings for non-attendance at school, 49.

OFFICES, provision of, by School Board, and loans for, 59.

ORDERS OF EDUCATION DEPARTMENT, authentication of, 60, 61 ; time after which, cannot be questioned, 60, 61.

ORDERS IN COUNCIL as to certified day industrial schools, 24, 25 ; as to payment from parliamentary grant of school fees of children with certificates, 27.

OUT-DOOR PAUPER CHILDREN, education of, a condition of relief, 51.

OVERSEERS, to be furnished with copies of notice as to exception to prohibition of employment of children, for operations of husbandry and ingathering of crops, and to cause same to be affixed to church and chapel doors, 12 ; when to be deemed overseers of part of parish for levy of rate, 62.

PARENT, definition of, 2 ; declaration of duty as to education of child, 2.

penalties for non-compliance with school attendance order, 14, 17.

See also School Attendance Order.

contributions by, to cost of maintenance and training of child in industrial school, 17, 18.

orders on, for contribution towards cost of child in day industrial school, 23, 24.

relief to be granted to, by guardians when necessary to enable parent to pay contribution, 24.

Parent—

payment of school fees for children of non-pauper, 12 ; for children of pauper, 50.

offence of making false representation as to age of child in order that he may be employed, 49, 50. See also *Employment of Children*.

PARISH, requisition of, for byelaws, 30, 31 ; representation of, as to nature of byelaws, desired, 31.

resolution of, for dissolution of School Board, 55, 56.

PARISH, PART OF, when to be deemed a parish, 62 ; levying rate by overseers in, 63.

PARLIAMENTARY GRANT—modification of conditions of annual grant to elementary schools, 28, 29, 30 ; special grants to schools in districts with small population, 28, 29.

for children sent to certified day industrial school, 23 ; for children received into certified day industrial school on request of parents, 24 ; conditions of, 26.

school attendances for purpose of, 29.

payment by Education Department from, of fees of children with certificates of proficiency, and of due attendance at school, 27, 34, 68.

PENALTIES, for employment of children in contravention of Act, 4 ; agent or workman liable to, for illegal employment of child, 49, 50 ; parent making false representation as to age of child in order that he may be employed, liable to, 49, 50.

for non-compliance with order directing attendance of child at school, 16, 17 ; fraudulently obtaining remission or payment of school fees, 47 ; refusing admission to, or obstructing officer authorized to enter place where child believed to be illegally employed, 39.

provisions of Education Act, 1873, made applicable to proceedings for recovery of, 47 ; limitation of proceedings for recovery of, 49.

proceedings for, may be taken under this Act or byelaw, or other enactment, 63.

PRISON AUTHORITY, powers of, with regard to establishing and contributing to cost of certified day industrial school, 23, 26.

PUBLIC ELEMENTARY SCHOOL, definition of, 7 ; infraction of conscience clause in, 5 ; order of justices for attendance of child at, 14.

Public Elementary School—

payment of school fees in, for children of poor parents, not paupers, 12, 13; of pauper children, 51.

PUBLIC WORKS LOANS BOARD may make advances to School Boards for industrial schools, 21, 22; for offices, 59.

PUBLICATION of provisions of Act by local authority, 5.

of notice as to exception to prohibition of employment of children, for operations of husbandry and ingathering of crops, 11, 12.

of notices by officers of guardians, expenses of, 45.

REASONABLE EXCUSES for non-compliance with school attendance order, 15.

REGISTRARS OF BIRTHS AND DEATHS to furnish certificates of births, 35; to furnish returns to local authority of births and deaths, 36.

REGULATIONS as to application for School Boards, 31, 86.

RELIEF to out-door paupers, conditional on education of children, 51.

REPEAL of Acts, 13, 28, 50, 64, 73.

REQUISITION by parish for byelaws, 30, 31; for dissolution of School Board, 57.

RETURNS to be furnished by local authority to Education Department, 59.

RETURNS OF BIRTHS AND DEATHS, duty of registrar as to furnishing, to local authority, 36.

SCHOOL ATTENDANCE COMMITTEE, appointment of, by council of borough, 4; appointment of, by guardians, 4, 5, 72; appointment of, by urban sanitary authority, 42, 43; appointment by urban sanitary authority of members to act with guardians as, 43; appointment of, by Education Department on default of local authority, 36, 37.

constituted local authority, 5.

alteration in number of members of, 40, 41; regulations as to proceedings of, 71, 72; filling up casual vacancies in, 72; tenure of office of, 72.

appointed by council, expenses of, 39, 40; appointed by urban sanitary authority, expenses of, 42, 43; appointed by guardians, expenses of, 39, 40, 45; extent of jurisdiction of, 41.

appointment by, of local committees, 41, 71, 72.

powers and duties of. See Local Authority.

effect of election of School Board as regards, 43, 46.

- SCHOOL ATTENDANCE ORDER**, when order requiring attendance of child at school to be applied for by local authority, 14; when order may be made, 14, 15; reasonable excuses for non-compliance with order, 15; penalty on non-compliance without reasonable excuse, 16; complaints on continuing non-compliance, 17; when child may be sent to industrial school on account of order not being complied with, 16.
- SCHOOL ATTENDANCES** for purpose of parliamentary grant, 29; for purpose of employment, 66; for payment of fees, 68.
- SCHOOL BOARD**, constituted local authority, 4, 5.
- not empowered to pay school fees for children of poor parents, 12, 13; remission of fees by, in School Board Schools, 13.
 - provision of certified industrial school, and certified day industrial school by, 21; borrowing powers of, for industrial schools, 21.
 - powers of Education Department in case of failure of, to fulfil duty under Act, 36, 37; powers and expenses of, under this Act to be deemed powers and expenses under Education Act, 1870, 39.
 - provision of offices by, 59.
 - proceedings for non-attendance at school to be authorised by two members of, 49.
 - casual vacancies, mode of filling up, 60, 72.
 - effect of election of, as regards School Attendance Committee, 43, 46.
 - dissolution of, 55.
 - regulations as to application for, 31, 86.
- SCHOOL FEES**, payment of by education department from parliamentary grant in case of children possessing certificates, 27, 34, 68.
- byelaws made by School Attendance Committee not to provide for remission or payment of school fees, 32.
 - payment of by guardians for children of poor parents, not paupers, 12, 13.
 - payment of by guardians for out-door pauper children, 51.
 - paid by guardians for children of non-paupers, mode of charging, 46.
 - offence of fraudulently obtaining, remission or payment of, 47.
- SCOTLAND**, application of Act to, 1, 65.
- SECRETARY OF STATE**, definition of term, 62; certifying by, of day industrial school, 22, may withdraw certificate, 25.

Secretary of State—

consent of, required to provision of and loans for industrial schools by School Boards, 21; to approve of the rules of certified day industrial school, and hours of detention in the school, 23; to prescribe or recommend the conditions on which parliamentary grants are to be made to certified day industrial schools, 23, 24, 26; to fix sum to be paid by parents when children are received into certified day industrial school without order of court, 24; to make orders prescribing forms for sending children to day industrial school, and mode in which they are to be sent, 25.

STANDARDS of examination, mode of Education Department prescribing, 93.

WORKSHOPS, extension of provisions of Factory Acts, 1844 and 1874, to employment and education of children in, 9, 10, 74.
enforcement of provisions when children employed in, 5.

URBAN SANITARY AUTHORITY, appointment of School Attendance Committee by, 42, 43; appointment of members to act with guardians as School Attendance Committee of union, 43.

3